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Terrorism

– what is it and can it be morally justified?

By

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To my son, Lukas

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I will send my terror before you,
and will throw into confusion all the people...

(Exodus 23: 27)

1. Introduction

The first edition of the *International Encyclopedia of the Social Sciences* (1933) contained two articles on terrorism. The authors concluded that in the future the subject of terrorism would only be of interest to historians and antiquarians as modern technology would have made our world invulnerable to attacks by individuals and small groups (Rapoport & Alexander 1982: xi).

They were dead wrong.

In fact, there has never been so much written on the subject of terrorism as today, and the reasons are certainly not antiquarian. 9/11 was a shock, and it is no surprise that it has provoked an increased interest in the subject of terrorism amongst academics. One obvious reason is this: About 3,000 people were killed in the 9/11 attacks. The deadliest act of terrorism the world had seen prior to this date had caused ‘only’ 440 deaths, when a cinema was set on fire in Abadan, Iran in 1978. In fact, during the entirety of the 20th century only 14 terrorist attacks had more than 100 casualties (Hoffman 2004, in Martin (ed.): 2).

But does this mean that 9/11 has changed the world as we know it, or are we exaggerating its importance? Whatever answer one would like to give to this question, one thing is certain: The dust cloud of the Twin Towers certainly did provoke a dramatic political climate change. Two wars have been fought, first in Afghanistan, then in Iraq, the latter forming deep demarcation lines within the international political system of a kind we have not seen since the cold war era. Demarcation lines that were not only limited to diplomatic disagreements, but that also invoke deeper cultural controversies, more severe than just transforming ‘French fries’ into ‘Freedom fries’ or ‘Coca-cola’ into ‘Mecca-cola’.

Another thing that is equally clear is that 9/11 created a sense of vulnerability and a cry for countermeasures; countermeasures that create conflicting values between the preservation of civil liberties on the one hand and securitisation on the other. How should these aspects be weighed in relation to each other? How should we confront terrorism without sacrificing the basic values of the society that we are trying to secure?

We are struggling with difficult questions. Yet, they are begging for answers. The academic task set before us is both urgent and highly complex. To be able to solve it, we need a broad and multidisciplinary perspective, wherein philosophy has a part to play.

What do philosophers discuss in relation to the issue of terrorism? Gerry Wallace has put it this way: ‘There are two fundamental philosophical questions about terrorism: what is

it and is it always morally wrong? There is no agreed answer to either question.’ (Wallace 1991: 149). In my view, this pretty much sums up the philosophical discussion of terrorism. It also summarizes the content of this thesis. As my title suggest, I will be focusing on two questions, namely what terrorism is (part 2) and whether it can be morally justified (part 3). In this introductory section, however, my focal point will be the second sentence of Wallace’s quote. What is it about this topic that makes it so difficult to arrive at an ‘agreed answer to either question’?

1.1. On the pursuit of a methodology

Let me start by sketching out what I consider to be two methodological pitfalls. The first consists in failing to interpret separately the two questions, i.e. what terrorism is and whether it can be morally justified. Many theorists tend to confuse two aspects which I think should be kept apart, namely the normative aspects and the descriptive aspects, with the effect of describing terrorism as something unjustifiable in itself. In my view, this is not a fruitful path to investigate terrorism philosophically. The question of what terrorism is should be treated as a descriptive one, while the question of whether terrorism can be morally justified remains a normative one. To see what I am addressing here, it might be helpful to go back to David Hume’s famous ‘is-ought’-fallacy. Hume’s point was that one cannot deduce from ‘is’ to ‘ought’, as one cannot cogently move from premises that consist only of ‘is’-statements (descriptive) to an ‘ought’-conclusion (normative). In relation to terrorism, it is the other way around: One cannot deduce from ‘ought’ to ‘is’, meaning that the claim that terrorism is something essentially condemnable should not be a part of the definition itself. Hence, it should not be considered analytically sufficient to hold that if an action ‘a’ is considered to be justified, then ‘a’ cannot be terrorism.

The second pitfall to be avoided is to start with the normative discussion, without paying adequate attention to the descriptive level, thus failing to sort out the underlying premises of the argument. When it comes to terrorism, this preliminary conceptual clarification is particularly important, as the notion is closely related to other notions, creating difficult borderline cases. Did the Norwegian resistance movement engage in terrorism during World War II, for instance?¹ They certainly did carry out sabotage missions,

¹ One might disapprove with these examples by emphasizing that they were committed in wartime, which could make a decisive difference with regards to their justification or whether they can be labeled as acts of terrorism. This is an important objection, I think, but at this point of the argument they are just meant to illustrate the difficulties that might emerge without a definition. I will return to the question of whether terrorism can be performed both in peace and war later.

as the destruction of the heavy water plant at Rjukan in 1943. Some of these sabotage missions even had civilian casualties. One example is the sinking of the ferry 'Hydro' at Tinnsjøen in 1944, which was carrying what remained of the heavy water, wherein 14 Norwegian civilians were killed. Was this an act of terrorism? What about the attempt to kill Hitler in 1944? Can this act be described as something else than a political assassination? Is political assassination terrorism? What about a guerrilla war against a despot without popular support? Does this count as terrorism?

The point I am trying to make here is that we should bear in mind that the concept of terrorism can include a diversity of different actions. Thus, what actions fall within the definition of terrorism might have a profound impact on the outcome of the discussion on whether terrorism can be justified under certain circumstances. It is not unlikely that one would judge the examples I have mentioned differently than more evident acts of terrorism, such as 9/11 or the Beslan massacre in 2004, where 344 people lost their lives, including 168 children. Therefore, a lack of clarity on how one defines terrorism would create an unfortunate ambiguity to the moral discussion.

So far I have pointed at two methodological pitfalls; to make the normative level a part of the descriptive level and to discuss the morality of terrorism without having a clear-cut definition of it. Next, let me clarify how I think these pitfalls can be avoided, outlining the basic structure for the argument of this thesis.

1.2. Grotius revisited

When searching for a methodology to analyse the topic of terrorism, I think we should turn our attention to one of the classics of just war theory, Hugo Grotius, for guidance. In his most famous work, *On the Law of War and Peace (De iure belli ac pacis)* (1625), Grotius tried to establish an exhaustive assessment of the normative dimensions of war². I will not go into the text in depth here, but will concentrate only on one important remark he makes concerning his definition of war

I do not include justice in my definition since the very point of our investigation is to assess whether there can be a just war, and what kind of war is just. Indeed, a subject which is under investigation ought to be distinguished from the object towards which the investigation is directed

(trans. in Reichberg, Syse & Begby, 2006: 393)

² For a clarifying summary of the content of this work, I refer to the commentary to the Grotius selections in 'The Ethics of War. Classic and Contemporary Readings' (Reichberg, Syse & Begby 2006).

The definition that Grotius is referring to is. ‘the state of those contending by force’ (ibid: 392). In relation to the methodological question on terrorism, it is his remark on why he does not include justice in his definition that is important³.

Let us start by clarifying what Grotius means by saying that ‘a subject which is under investigation ought to be distinguished from the object towards which the investigation is directed’. Grotius’ point is that the investigation consists of two elements with different functions in the argument: What is *under* investigation, i.e. the subject, is the concept of war in terms of a definition. What this investigation is directed *towards*, i.e. the object, is the question of whether war can be justified, and what kind of war is just. Therefore, the argument should consist of two operations. First, one needs to identify the subject: what war is. Second, this subject, once identified, should be used in the discussion on the object: whether, and when, war is just. The first operation is descriptive. The second is normative.

How does Grotius’ methodological view on war relate methodologically to terrorism? Basically, it suggests that our investigation should be twofold: We should start with the descriptive level and determine the subject of our investigation; by defining what terrorism is. Next, we can proceed with the normative discussion of whether terrorism can be justified. In my view, this will consist of two operations: First, we need to clarify the normative premises for our discussion, namely what kind of ethical framework our discussion is based on. At a minimum we would have to determine what constitutes a morally just act and a morally unjust act in relation to some kind of ethical principle. In doing this, we have developed a second set of premises. The first is descriptive, and determines what terrorism is (and why). The second is normative, and determines what kinds of actions are considered just and unjust (and why). Based on these premises, we should be able to determine whether terrorism can be justified, which is the final stage of the argument.

This forms the methodological skeleton of this thesis; the basic structure upon which I will arrange my argument. In part 2, I will focus on the definition of terrorism. This will constitute the premise for the discussion on whether terrorism can be morally justified in part 3. Lastly, in part 4, I will try to relate my findings to our present situation, paying special attention to the ongoing ‘war on terrorism’. But before I start off with my definitional analysis of terrorism, it is necessary to clarify how I understand the relation between moral assessments and terrorism as a notion.

³ It should be mentioned that Grotius is addressing Gentili’s definition of war as ‘a just and public contest of arms’ (Reichberg, Syse & Begby: 372), where war is defined in morally praiseworthy terms. In relation to terrorism, it is – of course – the other way around.

1.3. Why I think moral assessments should be left out of the definition.

Due to its profound negative consequences, it is obvious that terrorism cannot be considered a morally neutral act, on a par with talking, writing or drinking coffee. The mere fact that very few either would label themselves or a group they sympathize with as terrorists, but rather would use other concepts, such as ‘freedom fighters’ or ‘martyrs’, implies that ‘terrorism’ is a morally biased notion. As Gerry Adams, leader of Sinn Féin has claimed: ‘We know the difference between a freedom fighter and a terrorist (...) Terrorism is ethically indefensible’ (Gerry Adams, Presidential Address, Ard Fheis Sinn Féin, 29 September 2001. Quoted in O’Day 2004: xi).

Yet moral bias is a question of degree. If we take ‘torture’ or ‘rape’, for instance, these concepts identify acts where the aspect of immorality is already built into the meaning of the words. One cannot talk of ‘morally permissible torture’ or a ‘morally justified rape’. But one can talk of ‘morally justified killing’ and ‘morally justified wars’, for instance, even though the concepts of ‘killing’ and ‘war’ also have negative moral connotations connected to them. In definitions that include moral assessments, ‘terrorism’ is typically interpreted as something ‘self-evidently unjustifiable’, putting it on the same level as ‘rape’ and ‘torture’. In definitions that leave out moral assessments, ‘terrorism’ seems to lie closer to ‘killing’ and ‘war’. I say ‘closer’, since they need not necessarily be put on an equal footing. The importance here is that the definition itself does not make the possibility of justifying terrorism a contradiction in terms.

Let me present two different accounts on terrorism to illustrate my point. One makes the moral assessment a part of the definition (Paul Wilkinson). The other leaves it out (Jan Narveson), thus separating between the descriptive and the normative levels:

What fundamentally distinguishes terrorism from other forms of organised violence is not simply its severity but its features of amorality and antinomianism. Terrorists either profess indifference to existing moral codes or else claim exemption from all such obligations. Political terror, if it is waged consciously and deliberately, is implicitly prepared to sacrifice all moral and humanitarian considerations for the sake of some political end.

(Wilkinson 1974: 16-17).

Terrorism (...) is a political action or sequence of actions. As the name implies, the strategy is to inspire the ‘target’ population with terror, by means of random acts of violence: meaning by ‘random’ that they may fall upon anyone in a sizable class of persons, at any time, are done without specific warning, and are done in an utterly impersonal manner.

(Narveson 1991, in Frey & Morris (eds.): 119).

I consider Narveson's definition to be preferable to Wilkinson's. Consequently, I think we should avoid making moral assessments a part of the definition of terrorism. But why do I propose to create ambiguity on this issue? Would it not be better to have a clear-cut condemnation and avoid the 'slippery slope'? My answer to this is twofold:

First, there is a problem connected to the clear-cut condemnation view, namely the famous 'one man's terrorist is the other man's freedom-fighter' fallacy. The reason why I call it a fallacy is that I consider it to be a discursive deadlock. One raises a solid wall of non-communication simply by designating the same act with two different notions that predispose a certain moral outcome: Freedom-fighting is just; terrorism is unjust; one act, but two perspectives and two moral conclusions. Now, in order to solve this discursive deadlock, it will be necessary to find some common ground of reference. My suggestion is that the moral discussion of terrorism should be distinct from the description of the notion itself.

This leads to the second answer to why I find it analytically valuable not to make terrorism wrong by definition. In my view, there are some basic arguments concerning the possibility of justifying terrorism that should be taken seriously from an ethical point of view. Basically, they can be summarized as three kinds of arguments:

- The first is utilitarian, claiming that terrorism can be justified if it creates a positive change on the totality of well-being for the people affected by the act, despite its negative consequences for the ones that have been targeted, given that there are no other paths of conduct that can provide the same results.
- The second is rights-based, claiming the right to commit terrorism as a means of last resort when basic human rights are being severely and systematically violated.
- The third argument questions the legitimacy of the ethical principles used to condemn terrorism by drawing analogies to other actions that violate the same ethical principles (such as the deliberate bombings of civilians in war) without being condemned in the same strict manner, thus claiming that one can speak of ethical inconsistency.

I will discuss all of these at length in part 3. What is clear, however, is that if we are to maintain an absolute condemnation of terrorism, we should be able to dismiss these justification arguments: The two moral outcomes of absolute condemnation and circumstantial justification, mutually exclude one another – one cannot consistently hold that terrorism should always be condemned (because of principled reasons allowing no exception or exemption) and sometimes morally justified. If terrorism is always to be condemned, there cannot be any situation where it can be considered justified.

Basically, there seems to be two ways in which one can confront these justification arguments. The first involves a refutation at the descriptive level, by having a definition that makes terrorism unjustifiable in itself. In my view, this is not really a solution to the problem we are trying to solve. If we sweep them away categorically, there is always the possibility of being swept away ourselves; it all boils down to different perspectives.

The other way of confronting the justification arguments, which I think is preferable, consists in attacking them on normative grounds. This implies that we cannot simply discredit them from the very beginning, claiming that terrorism is self-evidently unjustifiable. This presupposes a definition that does ‘not make moral condemnation of terrorism analytically true and thus trivial, nor its moral defence analytically false, a contradiction in terms, nor the question of its moral status a self-answering one’ (Primoratz 1997: 222).

1.4. Summing up the initial statements

Following Grotius, I hold that it is necessary to develop a three-step model for a sound ethical argument on whether terrorism can be morally justified:

- First, one should define what terrorism is.
- Second, one should establish an ethical framework that specifies what makes an act morally just or unjust.
- Third, one should clarify how acts of terrorism address this ethical framework, thus determining their moral status as just or unjust.

What are the gains of this methodology? Basically, it could be this: If you disagree with my conclusion on the morality of terrorism, it should follow that you would also disagree on one or more of the premises that lead to this conclusion, provided – of course – that my argument is sound. This might help us to take the disagreement one step further: it can move the discussion from the conclusions to the premises. We do not only know that we disagree, we also know why we disagree. Is this important? Well, maybe we might be able to break out of the ‘one man’s terrorist is the other man’s freedom-fighter’ fallacy, which basically is a discursive deadlock; where it all boils down to differences in perspectives, differences in points of view. Maybe we can get into the reasons for the disagreement, the premises that lead to the conclusions. In my view this is the only way out of making the subject of terrorism something entirely perspective-dependent. For maybe there is a slight hope of being able to find some common ground, some shared base upon which we can be able to co-reason, and not end up in ceaseless rhetorical warfare in the trenches.

2. What is terrorism?

When asking what terrorism is, it is no exaggeration to say that one enters a semantic minefield. There have been numerous institutional and scholarly attempts to define terrorism. Yet, one has never been able to reach a consensus on one definition. But even though it might seem impossible to reach a consensus on a definition of terrorism, I hold this conceptual clarification to be a crucial preliminary condition for an ethical discussion of the subject. Basically, there are two reasons for this: Firstly, if there is any vagueness connected to the issue of our investigation, how can we analyse it ethically? We have to sort out the underlying premises for the discussion to make it philosophically fruitful. Secondly, if one can point at differences in views upon the definitional question, one might also point at reasons for ethical disagreements on the issue.

In this chapter I will do three things: First, I will give some preliminary thoughts on why terrorism is so hard to define, followed by an outline of how I will handle these difficulties in the forthcoming analysis (2.1.). Second, I will discuss some core definitional issues (2.2.). Third, I will attempt to concretise my own interpretation of terrorism in the form of a definition (2.3.).

2.1. Why we need a definition

Why is terrorism so hard to define? I think three reasons should be emphasized:

- Terrorism is semantically related to other concepts, such as resistance, guerrilla warfare, sabotage and political assassination. This creates borderline cases where it is difficult to determine whether an action should be described as terrorism or not.
- Terrorism is not a 'neutral' concept, but contains strong negative connotations. This makes it a useful polemical tool to disgrace political adversaries. Thus, to some extent terrorism will be perspective dependent, meaning that 'one man's terrorist is another man's freedom-fighter'.
- As a notion, terrorism is used within many different language contexts – ranging from everyday language and the media to the political and academic field – with dissimilar semantic norms for how the concept should be used.

All these factors pose challenges for the pursuit of a definition. Therefore, I find it necessary to make some initial clarifications on how I plan to deal with them methodologically.

In my view, one should start out by clarifying what relevance the definition is meant to have (2.1.1.). This will provide guidance both to what semantic demands the definition ought to fulfill (2.1.2.), as well as limiting the analysis to a certain field of interest that can meet these demands (2.1.3.). These three clarifications will frame the discussion of the conceptual issues (2.2.), which constitute the main part of this chapter, where a crucial point will be to take a stand on some of the mentioned borderline cases.

2.1.1. The contextual relevance of the definition

As I have already mentioned, the concept of terrorism has various functions in different language contexts. Generally speaking, one can distinguish between *wide* and *narrow* meanings of the term. The latter tries to limit the reference of the notion by specifying certain criteria that any action labeled as ‘terrorism’ must fulfill; ‘an act of violence deliberately targeting civilians’, for instance. The wide meaning derives from a more metaphoric use of the word, where the intention is to amplify the negative effects of violence and other forms of abuse, such as ‘he terrorized her for ten years before she left her’.

Here, I will pursue a narrow understanding of terrorism. The conceptual ambiguity I have sketched out needs not pose problems for our analysis of the definition, however. The reason for this is simply that the question of whether one should apply a wide or narrow understanding of the term will always depend on the specific context in relation to which the notion must be interpreted. Describing a violent man as someone who is terrorizing his wife in everyday language is not necessarily relevant for our present investigation, for example. Therefore, the question is not *if*, but *when* we need a narrow interpretation of terrorism.

I will give a threefold answer to this question, on the basis of three discursive levels: 1) the general discussion on terrorism, 2) the philosophical discussion on terrorism, and 3) the relevance of a definition for this thesis.

1) Within the general discussion on terrorism the need for a definition that limits its reference to specific acts of violence is primarily related to political and institutional contexts (e.g. law texts). This is particularly important when it comes to counter-terrorism measures. Here, the lack of clarity on what kinds of activities that fall within the notion of terrorism make an unfortunate conceptual ambiguity that could provide an opening for a governmental misuse of authority. In my view, one can differentiate between two basic forms of such misuse. Either it can be directed towards external factors, meaning that a government in an

unlawful or unreasonable way utilizes instruments of power that they otherwise could not have employed, such as waging war against another state, under the pretence of combating terrorism. Or, if a state violates the civil rights of its own citizens in an unlawful manner, it can be an internal abuse of governmental power. Examples of the latter are to adopt an invasive surveillance policy against the political opposition or specific ethnic or religious groups, or to violate the rights of detainees through the use of torture or by depriving them of legal procedures. Therefore, to determine what actions fall within a definition of terrorism is crucial both at the national and the international political level.

2) Philosophically, a conceptual analysis can have value in itself, sorting out how one phenomenon, namely terrorism, is distinguished from others. But, as I pointed out in my introduction, to concretise what kinds of actions the notion refers to will also be important for an ethical examination of the subject, as this clarifies the very premise for the discussion. I mentioned two basic reasons for why this preliminary conceptual clarification is essential:

First of all, there is a semantic ambiguity connected to the concept of terrorism that can have a profound influence on the outcome of the ethical discussion. Even when one adopts a narrow understanding of the term, there will be difficult borderline cases where it is questionable whether they should be described as terrorism or not.

Secondly, terrorism can be interpreted as having so strong negative connotations that the aspect of immorality is considered as part of its very essence. Following this view, the question of whether terrorism can be justified might seem like a contradiction in terms. Consequently, if an act is thought to be morally defensible, it must necessarily be something else than terrorism. As I have already pointed out, I do not consider this way of reasoning to be analytically stimulating. The way I see it, in order to have a fruitful discussion on the ethical aspects of terrorism, it will be necessary to have a definition that does not disqualify this discussion by predisposing a certain moral outcome.

3) In relation to this thesis, the relevance of a definition has already been answered in my introduction; I find it necessary to sort out the premises of the discussion before going into it.

2.1.2. Three semantic aims

Based on the semantic relevance described in 2.1.1., I would like to set three aims for my definition:

1. First of all, and most importantly, the definition should be *sufficiently neutral*⁴, meaning that it leaves adequate room for the forthcoming investigation on the morality of terrorism. At a minimum, this implies that it should not make the claim that terrorism can be justified under certain circumstances a contradiction in terms. We would need to give additional grounds to show why this is the case. This stands in contrast to ‘definitions that either assert or recommend that moral wrongness is built into the definition of terrorism’ (Wallace 1993: 124).
2. Secondly, the definition should not be controversial or ‘out of step’ with the common understanding of what terrorism is. This could endanger the relevance of the ethical discussion simply because the underlying premises are not accepted; it might be claimed that I have been discussing something other than terrorism. Therefore, I will stress *consensus orientation*, using definitional elements that already have some thematic resonance within the academic and the institutional field.
3. Thirdly, the definition should be *sufficiently functional*, meaning that it has the ability to determine the status of most actions that are candidates to be labeled ‘terrorism’. Why not all candidates? Well, ideally a definition would be exhaustive in relation to the phenomenon it sets forth to frame; both clarifying what falls within the notion and what falls outside of it. It is clear, however, that such an absolute demand for clarity would make any attempt for reaching a definition on terrorism impossible. There will always be borderline cases where it remains unclear whether they fall inside the definition or not. Thus, I find it acceptable that a definition on terrorism can have some degree of imprecision without losing its definitional value.

These three preliminary guidelines, namely *neutrality*, *consensus orientation* and *functionality*, seem to me to be core aspects that my definition should fulfil in order to make the discussion of whether terrorism can be morally justified most fruitful.

⁴ In the literature on terrorism, this is often described as a *morally neutral definition* (eg. Primoratz 1997: 221; Corlett 2003: 120 and Wallace 1993: 124-125). However, due to the controversies surrounding this conception, I choose not to use it. Whether neutrality is possible – either completely or in part – is, of course, a difficult semantic question in itself. But if a definitional analysis is to be understood as a meaningful occupation, we have to assume that the concept of terrorism is not (at least) entirely perspective loaded.

2.1.3. Searching a point of departure

Etymologically, ‘terrorism’ derives from the Latin word *terrere* – meaning ‘to cause to tremble’ (Juergensmeyer 2000: 5). The historical roots of the term grow out of the French Revolution and Robespierre’s ‘Reign of terror’ (*régime de la terreur*), where 40,000 ‘enemies of the people’ were executed from September 1793 to July 1794. Strangely enough, in relation to the contemporary picture, *terror* was a term the Jacobins used in proud self-reference, describing their own vigour and ability to establish political order. It was not until the Jacobins lost their power in the parliament, and Robespierre lost his head in the guillotine, that the notion got its negative connotations (Laqueur 2002: 6). Another point worth noting is that the initial meaning of terrorism was what we today would refer to as state terrorism. Its modern sense, where the concept primarily is related to non-state agents, did not emerge before the second half of the 19th century, when different anarchist and nationalist movements made use of assassinations and other forms of violent actions to pursue their political goals (Laqueur 2002: 11).

This retrospective glance illustrates two important challenges for our conceptual analysis: First, it tells us that the term we are about to investigate has a profound degree of plasticity. Second, it tells us that this plasticity is integrated with different political interests that seek to ‘flavour’ the concept according to their own agenda. This makes the search for a definition more than just a semantic task. Quoting C. A. J. Coady:

the definitional question is essentially irresolvable by appeal to ordinary language alone since terrorism as a concept is not ‘ordinary’ in even the way that intention, guilt and dishonesty are. Nor is it a technical term belonging to some science; its natural home is in polemical, ideological, and propagandist contexts or, less alarmingly, highly political ones.

(Coady 2004a, in Primoratz (ed.): 3).

Coady’s claim envisions that the task set before us is a difficult one. We are not only striving with semantics, but also polemics, ideology and propaganda. This underlines the importance of clarifying the concept of terrorism. In order to have a fruitful analysis, we need to try to ‘stay clear’ of the polemics, ideology and propaganda and strive to make terrorism a more technical term. Therefore, let us start by asking whether some arenas of discourse might be less influenced by these factors than others.

Alex P. Schmid distinguishes ‘four different arenas of discourse’ that are relevant for the pursuit of a definition on terrorism:

1. The academic discourse. The universities offer an intellectual forum where scholars can discuss terrorism without being suspected of sympathising with terrorists.
2. The state's statements. The official discourse on terrorism by those who speak in the name of the state.
3. The public debate on terrorism. The way our open societies are structured, this arena is largely co-extensive with the views and suggestions met in the media.
4. The discussion of those who oppose many of our societies' values and support or perform acts of violence and terrorism against what they consider repressive states.

(Schmid 1992: 7-8)

As pointed out by Schmid, one discursive arena stands out positively in relation to the mentioned demands; the academic. This is not to say, however, that I consider this arena to be uninfluenced by the previously mentioned problems. Nonetheless, there seem to be a question of degrees on this matter, and I will use the preliminary guidelines specified in 2.1.2. as a litmus test for whether I think the definitions are relevant for the subject of analysing terrorism as a technical term.

2.1.3.1 The blind men's elephant

As I mentioned in the beginning of this chapter, there have been many academic attempts to define terrorism. Yet, one has not been able to reach an agreement on what terrorism essentially is. Andrew Silke opens his article addressing this problem by narrating a children's tale from India: Three blind men encounter an elephant and try to determine what kind of creature it is. Not being able to see it, they have to try to imagine what it is like by touching it with their hands. One of them clutches the trunk, and visualises a large snake-like animal. The other spots the tail, and perceives a thin wispish creature. The third touches one of the legs, and thinks that it is a huge tree-like animal. Afterwards, when discussing what kind of creature they encountered, they cannot come to an agreement. Each one of them has a different opinion of what an elephant is, but no one gets the complete picture (Silke 1996: 12).

Now, how does this metaphor relate to the question of defining terrorism? The point seems to be that the different definitions tend to concentrate too much on certain aspects of the phenomenon, while failing to see (or maybe even be blind to!) others. There is some truth in Silke's point, but it does not cover the whole picture. Even though there are disagreements on how one should define terrorism, there are certainly also agreements.

So far, the most extensive attempt to develop a consensus model for the definition of terrorism was carried out by Schmid. By analysing 109 definitions from a broad range of

publications, Schmid categorized 22 different elements that had been used to define terrorism. These were, in order of frequency:

	Element	Frequency
1.	Violence, force	83, 5 %
2.	Political	65 %
3.	Fear, terror emphasized	51 %
4.	Threat	47 %
5.	(Psych.) effects and (anticipated) reactions	41, 5 %
6.	Victim-target differentiation	37, 5 %
7.	Purposive, planned, systematic, organized action	32 %
8.	Method of combat, strategy, tactic	30, 5 %
9.	Extranormality, in breach of accepted rules, without humanitarian constraints	30 %
10.	Coercion, extortion, induction of compliance	28 %
11.	Publicity aspect	21, 5 %
12.	Arbitrariness; impersonal, random character; indiscrimination	21 %
13.	Civilians, noncombatants, neutrals, outsiders as victims	17, 5 %
14.	Intimidation	17 %
15.	Innocence of victims emphasized	15, 5 %
16.	Group, movement, organization as perpetrator	14 %
17.	Symbolic aspect, demonstration to others	13, 5 %
18.	Incalculability, unpredictability, unexpectedness of occurrence of violence	9 %
19.	Clandestine, covert nature	9 %
20.	Repetitiveness; serial or campaign character of violence	7 %
21.	Criminal	6 %
22.	Demands made on third parties	4 %

(Schmid & Jungman 1984: 76-77)

Schmid's categories provides an important starting point for sorting out what aspects there seem to be consensus about and what creates controversies. The strength of the analysis is that it is based on a wide spectrum of interdisciplinary publications. A possible weakness, however, is that its sources mainly date from the 1970s and the 1980s. Therefore, we have to determine whether his findings still have relevance for the subject. This is an important question, as it might be that definitions on terrorism have changed considerably during the last 20 years, especially since 11. September 2001.

In a more recent study, Leonard Weinberg, Ami Pedahzur and Sivan Hirsch-Hoefler (2004) used Schmid's categories to analyse 73 definitions published in articles from 1977 to 2001. Their conclusion was that:

elements 9 (...) and 12 (...), which emerged as important constituents of Schmid's definition, received no mention at all in the relevant journal articles. Another element, 10 (...) was mentioned in less than 6 percent of the journal definitions. (...) The journal-based definitions were also much less likely to mention the arousal of fear and terror (element 3) and (...) (element 5) as important

components. In general, then, the journal contributors placed much less emphasis on the psychological aspects of terrorism (...)

Are there aspects of the meaning of terrorism on which Schmid's respondents and the journal writers actually agree? Yes; in fact high percentages of the experts in both categories (20 percent or more) identify terrorism as a method of combat or a tactic (element 8), involving a threat (element 4) of force and violence (element 1) used for a political (element 2) purpose. The pursuit of publicity (element 11) is mentioned somewhat less frequently but members of both groups seem to agree that it is part of the definition of terrorism. So it is possible to discern a consensus among academics who study the subject, to this extent.

(Weinberg, Pedahzur, Hirsch-Hoefler 2004: 781-782).

Based on the Weinberg, Pedahzur and Hirsch-Hoefler-findings, we can conclude that the psychological aspects (element 3, 5, 9, 10 and 12) might have lost some significance in more recent definitions. A part from that they confirm Schmid's list.

Concerning the post-2001 period onwards, however, there exists no definitional analysis that can be helpful to determine Schmid's relevance. Yet, one might suspect that 9/11 has changed the field of discussion in a radical way, with the effect of making what was written on the subject of terrorism prior to this incident less relevant.

2.1.3.2. 9/11 – a thematic ‘ground zero’?

I think there is little doubt that 9/11 changed our understanding of what terrorism can be. As I pointed out in my introduction, in terms of casualties it stands out radically from any preceding act of terrorism. Therefore, it does not seem unreasonable to hold that 9/11 would be a ‘ground zero’ for the literature on terrorism. There are also reasons for claiming that it is not, however. Here, I will sketch four arguments supporting this view:

1. Even though 9/11 was radically different from any preceding act of terrorism in number of victims, there were well-documented examples of events prior to this date that could have been even more devastating. If the first attack on the World Trade Center (February 26, 1993) had been successful, for instance, the number of casualties would probably have been six-figured, and not six⁵. Another example: In 1995, the Japanese cult Aum Shinrikyo perpetrated the worlds first act of chemical terrorism; the sarin gas attack on the Tokyo subway. Although the effect was not as devastating as the sect had hoped for (12 died, 5500

⁵ The aim of the attack was to topple one of the twin towers on to the other by using large amounts of explosives and release simultaneously a cloud of poisonous gas (Thackrah 2004: 302). Reportedly, the perpetrators hoped to kill 250,000 people (Benjamin & Simon 2003: 7).

were injured), the outcome could have been disastrous if the sarin gas had been of a purer quality⁶.

2. A definition concerns principles and not the number of deaths. To put it bluntly: whether three or 3,000 were killed is not necessarily a decisive matter.

3. Terrorism is a strategy that consists in a broad spectrum of actions. Therefore, using sources written before the 9/11 attacks might also be considered a strength, and not a weakness, as contributions after this date might be focusing too much on this event, losing sight of the plurality of the issue.

4. The 9/11 attacks should be interpreted in relation to a broader historical background. In his article 'The fourth Wave: September 11 in the History of Terrorism' (2001), David C. Rapoport claims that we can distinguish between four waves of terrorism in modern times, each having distinctive features on behalf of the perpetrators, their motives and methods:

- 'The first wave' (late 1870s – 1914) was waged by anarchist- and nationalist movements in Russia, Europe and the US. Their terrorism consisted mainly in assassinations on senior officials and other persons with central functions in the political complex.
- 'The second wave' (1920s – 1960s) was perpetrated by national liberation fractions in former European colonies (i.e. Algeria, Cyprus, Israel and Ireland). The methods consisted typically in small-scale attacks on administrative organs, assassinations and 'hit-and-run' guerrilla warfare against the military forces and the police.
- 'The third wave' (late 1960s – early 1980s) consisted partly of Western revolutionary groups (Rote Armée Fraktion, Baader-Meinhof, Brigado Rosso, Action Directe), partly of national-separatist movements (ETA, IRA, PLO). The methods changed to a more indirect strategy of using civilians as means to further ones demands⁷, typically through aerial hi-jacking, kidnapping, hostage taking and bomb attacks.

⁶ 'The small number of fatalities was due primarily to the way the liquid sarin was packaged and to atmospheric conditions, neither of which favoured the rapid, even, and lengthy vaporization required for truly devastating results.' (Benjamin & Simon 2003: 433).

⁷ There are also examples of terrorism that is directly aimed at political leadership, like the kidnapping and subsequent assassination of the Italian Prime Minister Aldo Moro in 1979.

- ‘The fourth wave’ (1979 – present) distinguishes from the third by being mainly religiously motivated, and then first and foremost Islamic⁸. According to the RAND-St Andrews Chronology of International Terrorism, for instance, only two out of 64 registered terrorist groups were described as religious in 1980. In 1995 this number had risen to 25 out of 58 (Schmid 2004: 210). Compared to the third wave, the terrorist methods are both more extreme and more complicated to perform: typically large-scale bomb attacks against civilian targets without any preliminary warning, often performed simultaneously and in the form of suicide missions.

Now, what is clear is that ‘terrorism’ has had different meanings throughout history, which again underlines the importance of a definition. Rapoport’s view suggests that the 9/11 attacks should be interpreted in relation to a broader historical tendency, namely ‘The fourth wave’. Following this argument, we might ascribe relevance to the literature from this period, which is relevant for most of the contributions I will bring into discussion. Concerning Schmid, however, we are still only half way there, for his list is based on contributions from both the third and the fourth wave. Does this make it irrelevant, then?

In my view, this need not necessarily be the case. The reason is that there is a decisive difference in the terrorists’ methods between the first and second wave, which primarily were aimed directly at the political leadership and the official machinery of power, and the third and fourth wave, where the methods shifted into being more indirect, using civilians in a means-end strategy⁹. Therefore, whether the third wave literature can be considered relevant will depend on what factors one puts most emphasis on. If it is the indirect strategy, the third wave literature still is relevant. It should be noted, however, that there are also differences between the third and the fourth wave. First of all, the motives changed from being political /secular to religious/non-secular. Secondly, the terrorist methods employed in the fourth wave are generally more extreme, both in relation to the scale and complexity of the attacks and on the level of casualties. Therefore, when adopting Schmid’s list as a consensus model, one should bear in mind that the importance of some of the definitional elements could have changed in relation to the contemporary picture.

⁸ Religious terrorism is not equivalent with Islamic terrorism, however. There are also examples of Christian-motivated terrorism, such as the Oklahoma-bombing of 1995 and numerous attacks on abortion clinics in the US throughout the 1990s, and Jewish-motivated terrorism, like the massacre on the Tomb of the Patriarchs in Hebron, 1994, where over 30 praying Muslims lost their lives. Not to forget the sarin gas attack on the Tokyo subway in 1995, perpetrated by Aum Shinrikyo, a new age group, inspired by Buddhism. (See Thackrah 2004)

⁹ In the literature, one usually takes 1968 as starting point for modern terrorism.

Summing up, then; with basis in the four arguments I have sketched, I find it reasonable to hold that despite its uniqueness in terms of casualties, 9/11 should not to be considered as a ‘ground zero’ for the literature on terrorism. It cannot be doubted that it is an important event for our issue, but concerning the plurality of the terrorist phenomena, making use of sources prior to this attack in addition to the contemporary literature could be helpful to get the important nuances that otherwise might be overshadowed. In this respect, Schmid’s list might still be a useful tool to get a picture of the core elements that have been used to define terrorism, even though one might suspect that some of the definitional elements in his list, such as political vs. religious intention, could be at odds with the contemporary discussion.

2.2. In search of a definition

Based on these preliminary clarifications, I can now begin my discussion of some of the core issues related to the definition of terrorism. I will start by presenting six philosophical definitions of terrorism. These serve three basic purposes for my forthcoming discussion: First of all, they give an introductory ‘taste’ of most of the themes I will discuss in this chapter. Secondly, they give an idea of which aspect there is more or less consensus about and what it is that creates controversies when trying to define terrorism. Thirdly, they provide a formal direction for my own definition, which will follow in 2.3. The selection I present is based on these grounds:

- All the definitions include elements present in Schmid’s categories.
- The definitions are sufficiently different from each other; this highlights the disagreements on the definitional issue and to set the ground for a rich discussion.
- All the definitions are sufficiently ‘neutral’; by not taking a preliminary moral stance.
- Many of the philosophers in question will play a significant role in the forthcoming discussion on the morality of terrorism.

My discussion will concentrate on the following definitions:

Coady's definition¹⁰:

The organised use of violence to attack non-combatants ('innocents' in a special sense) or their property for political purposes.

(Coady 2004b: 39).

Narveson's definition:

Terrorism (...) is a political action or sequence of actions. As the name implies, the strategy is to inspire the 'target' population with terror, by means of random acts of violence: meaning by 'random' that they may fall upon anyone in a sizeable class of persons, at any time, are done without specific warning, and are done in an utterly impersonal manner.

(Narveson 1991, in Frey & Morris: 119).

Waldron's definition¹¹:

Terrorism is not just simple coercion. It looks to the possibility of creating a certain psycho-social condition, ψ , in a population that is radically at odds with the range of psycho-social states $\{\phi 1, \phi 2, \dots, \phi n\}$ that the government wants or needs or can tolerate in its subject population. The terrorist group performs various actions – explosions, killings, etc. – which tend to put the population or large sections of it into condition ψ . The terrorist group does this with the aim of giving the government a taste of what it would be like to have its subject population in condition ψ . And it threatens to continue such actions, with similar effects, until the government yields to its demands.

(Waldron 2003: 22)

Wilkins' definition:

terrorism is the attempt to achieve political, social, economic, or religious change by the actual or threatened use of violence against persons or property; the violence employed in terrorism is aimed partly at destabilizing the existing political or social order, but mainly at publicizing the goals or cause espoused by the terrorists; often, though not always, terrorism is aimed at provoking extreme counter-measures which will win public support for the terrorists and their cause; terrorism will be perceived by its practitioners as an activity aimed at correcting grave injustice which otherwise would be allowed to stand.

(Wilkins 1992: 6)

¹⁰ This definition follows the main features of the definition Coady gave in his influential article 'The Morality of terrorism' (1985). Here he defines terrorism as '[a] political act, ordinarily committed by an organized group, which involves the intentional killing or other severe harming of non-combatants or the threat of the same or intentional severe damage to the property of non-combatants or the threat of the same.' (Coady 1985: 52). There are two differences between the 1982 definition and the 2004 definition: In the latter Coady uses the word 'violence' instead of 'intentional killing or other severe harming', also, the emphasis on threats has been left out. It should be underlined, however, that Coady leaves an opening for this aspect in his subsequent clarification 'If you think that plausible' (Coady 2004b: 39).

¹¹ Waldron points out that his definition should not be considered sufficient to define terrorism as phenomenon: 'obviously it would be a mistake to argue that the intention to create ψ is a necessary aspect of terrorism, and it would be an even greater mistake to suppose that any activity which promotes ψ has to be regarded as terrorism for that reason alone' (Waldron 2003: 34).

Primoratz' definition¹²:

the deliberate use of violence, or threat of its use, against innocent people, with the aim of intimidating some other people into a course of action they otherwise would not take.

(Primoratz 2004a, in Primoratz (ed.): 24).

Honderich's definition:

a use of physical force that injures, damages, violates or destroys people or things, with a political and social intention, and whether or not intended to cause fear to people in general, and raising a question of its moral justification – either illegal violence within a society or violence between states and societies not according to international law, and smaller-scale than war.

(Honderich 2003: 15).

As already noted, these six definitions have similarities and differences. Bearing in mind the preliminary guidelines I mentioned in 2.1.2., both of these features will be important for my investigation. The similarities suggest a consensus, and backed by Schmid's list, they can provide important guidance for my aim of getting a consensus oriented definition. The differences provide suggestions to how terrorism should be defined, sketching issues for further discussion. Here, I will attach most importance to the other two guidelines, functionality and neutrality.

I have chosen to arrange my argument along a what/who/why distinction. First, I will try to clarify what signifies terrorism as an act. Next, I will try to determine the distinctive features of the actors that are involved, both in relation to the perpetrators and the victims. Lastly, I will make an attempt to clarify what purposes and aims terrorism generally seeks to obtain. These three distinctions categorize the discussion in the section divisions below (Schmid's categories in brackets¹³):

Features of terrorist activity: violence, threats and incentives (element 1, 2 and 4). What signifies terrorism as activity? Based on the definitions I have presented, it seems obvious that most acts of terrorism imply violence or force (Honderich). But is violence a necessary condition for terrorism, or can we also speak of non-violent terrorism? What kind of violence

¹² Even though Primoratz' definition includes elements that might seem morally predisposed (using 'innocent people' and not the more neutral 'non-combatant' (Coady) or 'persons' (Wilkins)) he claims that his definition 'does not prejudge the moral question of its justification in particular cases. For it entails only that terrorism is *prima facie* wrong, and thus does not rule out its justification under certain circumstances' (Primoratz 2004b, in Coady & O'Keefe: 33)

¹³ Element 9, 'Extranormality, in breach of accepted rules, without humanitarian constraints', and element 21, 'Criminal', will not be included in my discussion. Regarding the former, I do not consider the immorality aspect to be relevant for the definitional discussion, for reasons I have given earlier. Concerning the latter, it seems to be self-evident – for can one imagine a terrorist act that is not considered to be criminal?

are we talking about in relation to terrorism? Is it only the kind of violence that inflicts harm on people, or can it also be directed against property or things, as Coady, Honderich and Wilkins suggest in their definitions? Does the violence have to be carried out, or can it also be performed as threats, as is indicated by Primoratz and Wilkins? Can we limit the violence in question by relating it to certain kinds of incentives; such as *political* (Coady, Narveson, Wilkins and Honderich); *social* (Honderich and Wilkins); *economic* or *religious* (Wilkins)?

On perpetrators and victims (element 7, 12, 13, 15, 16, 18 and 19).

Can we point at some distinctive features of the actors that are involved in terrorism? On behalf of the perpetrator; should the definition both include state and non-state actors, as Honderich suggests? Does it need to be tied to ‘organized groups’, as Coady and Waldron claim, or can terrorism also be conducted by private individuals? Second, concerning the victims; can terrorism be directed against any ‘person’, as proposed by Narveson and Wilkins, or should its reference be narrowed to a specific group, such as ‘civilians’ or ‘non-combatants’, which is Coady’s suggestion? Should we use the term ‘innocents’, following Primoratz’ definition, or would this conflict with the aim of neutrality? Are victims of terrorism randomly targeted, as Narveson claims, or is there an important difference between the perpetrators and the victims on this issue?

The rationale behind terrorism (element 3, 5, 6, 8, 10, 11, 14, 17 and 22).

What is the purpose of committing terrorism? Is the intention to create a climate of anxiety and fear and to terrorize the targeted community, following Narveson, Waldron and Honderich? If so, are there specific purposes for creating this fear such as to destabilize the political order, to publicize goals or causes, to provoke countermeasures, such as Wilkins suggests? Might there also be other purposes? Are we talking about a means-end strategy, where the act has an aim of intimidating some other people into a course of action they otherwise would not take, as Primoratz suggests?

In the following, I will try to provide an answer to each of these questions, showing both the benefits and the drawbacks of implementing the different elements that have been suggested in a definition of terrorism. Having discussed the issues in the section divisions above, I will sum up briefly and clarify how I integrate the conclusion of my discussion in my definition. At the end of this chapter, I will summarize my conclusions and propose a definition of terrorism.

2.2.1. The features of terrorist activity: Violence and incentives

I will start my analysis by examining terrorism as an act, concentrating on three features. First, I will examine the relationship between violence and terrorism (2.2.1.1.). Here, two aspects will be discussed; whether there can be non-violent terrorism and if terrorist violence also can take an indirect form. Lastly, I will discuss the incentives behind terrorist violence (2.2.1.2.).

2.2.1.1. Terrorism and violence

It seems obvious that most acts of terrorism imply the use of violence. All the definitions I have presented include this element (Honderich uses both ‘force’ and ‘violence’), and according to Schmid’s list, there is a broad theoretical consensus on this point (83,5%).

Schmid juxtaposes ‘violence’ and ‘force’. The connection between these concepts is a long debated issue in the literature on violence, far too intricate to be elaborated in depth here. Two important remarks should be made, though. First of all, these concepts are not always substitutable terms. Not all force is violent (preventing someone from harming themselves, for instance) and not all violence is force (exemplified by poisoning someone). This difference in meaning is also embedded in the etymology of the concepts, as ‘violence’ derives from the Latin word *violentia*, ‘meaning “*vehemence*”, a passionate and uncontrolled force (Bufacchi 2005: 194). Secondly, following Arendt’s argument in *On violence*, force seems to be conceived as a more neutral concept than violence is (Arendt 1970: 44). Some authors have suggested that violence should be considered a ‘force gone wrong’ (i.e. Dewey 1980: 246), implying that it is a form of force that is destructive or damaging. Due to these differences in meaning, I choose to leave out ‘force’ from my definition of terrorism and focus only on violence.

Non-violent terrorism?

Is violence a necessary feature of terrorism? The simplest way of investigating this question is to ask whether there can be non-violent terrorism? There are philosophers who think that there can. Carl Wellman, for instance, claims that ‘violence is not essential to terrorism and, in fact, most acts of terrorism is nonviolent’ (Wellman 1979: 251)¹⁴. Wellman bases his argument on the possibility of committing terrorism by posing threats of violence. One of his

¹⁴ Wellman defines terrorism as ‘the use or attempted use of terror as a means of coercion’ (Wellman 1979: 250).

examples is *blackmailing*, an act he describes as terroristic, but not violent (Wellman 1979: 252). The question we need to pose, then, is whether threats of violence are non-violent acts?

To answer this question, we need to give some more depth to the concept of violence. Coady has suggested that we can differentiate between three types of definitions in the philosophical, political and sociological literature on violence:

Wide definitions, of which the most influential is that of 'structural violence', (...) by including within the extension of the term 'violence' a great range of social injustices and inequalities. (...) Restricted definitions are typically those which concentrate upon positive interpersonal acts of force usually involving the infliction of physical injury. (...) The third type of definitions ('legitivist') (...) incorporates a reference to an illegal or illegitimate use of force.

(Coady 1986: 4).

In relation to Wellman's argument, it is sufficient to elaborate the difference between the *restricted* and the *wide* definitions.

If we stick to a restricted definition of violence, I think Wellman is partly right. For instance, if someone had placed a 'dirty bomb' (a conventional explosive with radioactive material attached to it) in a densely populated area and threatened to blow it up unless the government did not comply with their demands. Suppose the perpetrators had no actual plans of carrying out the attack and only intended to intimidate the government to change their policy, would we not call it terrorism? I think it is obvious that we would. Therefore, terrorism does not necessarily need to imply an actual use of violence. It can also be performed by threats of violence. At this point Wellman is right. The reason for why I have added 'partly' is that I think he is exaggerating the importance of this feature when he claims that 'violence is not essential to terrorism' and that 'most acts of terrorism is non-violent'. These are counter-intuitive claims; I think it is quite obvious that most acts of terrorism do imply the use of violence, while non-violent terrorism (given Wellman's understanding of this concept) remains a more marginal phenomenon.

There is also another way of confronting Wellman's claim, however. As pointed out, Wellman subscribes to a restricted definition of violence that limits the concept to physical acts performed with the intention of inflicting harm or injury on other persons. Wide definitions seek to build additional elements into the concept. Coady mentions *structural violence* in particular. Amongst the theorists fronting this view is Johan Galtung. In his interpretation, '*violence is present when human beings are being influenced so that their actual somatic and mental realizations are below their potential realizations*' (Galtung 1969: 168). When the violence can be traced to particular person or persons, it is *direct violence*.

When it consists in socio-structural differences creating unequal possibilities and life chances, the violence is *structural*. Although I recognize that Galtung's interpretation of structural violence might be an important theoretical tool in relation to other issues, such as analysing poverty, I think it has little relevance when it comes to defining terrorism. The reason is simply that terrorism will relate to what he refers to as direct violence as it can be linked to a specific set of actors. Structural violence might play a crucial role when it comes to the justification of terrorism, however, as we shall see in part 3.

But there are also other wide interpretations of violence that have greater significance for our present investigation. Here, I will bring in two such accounts: The first includes *psychological violence*. The second incorporates *indirect violence*, which I will return to shortly. In relation to Wellman's claim, it is the understanding of psychological violence that is important. Wellman's argument is based on an understanding that threats of violence are non-violent. But if one incorporates psychological features in the definition of violence, e.g. 'violence is the intentional infliction of physical or psychological injury on a person or persons' (Steger 2003: 13), it seems clear that threatening someone could easily be interpreted as a violent act. Thus, Wellman's suggestion of non-violent terrorism can simply be confronted by pointing at his definition of violence and claim that it is too narrow.

Summing up; it seems clear that terrorism need not imply an actual use of violence, but also can be performed by threats of physical harm. If we choose a restricted definition of violence, it would be necessary to incorporate 'threats of violence' in the definition (such as Primoratz, Wilkins and Coady (see footnote 10) do). If we have a wider understanding of violence, that also includes psychological aspects, this can cover both the actual use of violence and threats of such. In relation to describing terrorist violence, I consider both the restricted understanding of violence and the wider interpretation which includes psychological aspects, to be functional¹⁵. Therefore, I choose to leave an opening for both of these perspectives in my own definition, arguing that terrorism is 'use of violence (or threats of such)'. The reason for why I have put the aspect of threats in brackets is that it might be considered superfluous in relation to interpretations of violence that incorporate psychological aspects.

¹⁵ In relation to the issue of terrorism, the definitions that include both psychological and physical aspects might be preferable to the restricted definitions of violence. The reason for this is related to the rationale behind the terrorist activity, namely to create a certain psychological state of mind, such as fear, within the targeted community, which will be discussed in 2.2.3. Yet, due to the controversies regarding restricted and wide definitions of violence, I choose not to limit my discussion to either one.

Direct and indirect violence

I will now turn to the second form of wide definitions of violence that have importance for the subject of terrorism, which suggests that violence can also take an indirect form. What do I mean by indirect violence? While *direct violence*¹⁶ refers to the restricted definition of terrorism, where the violence in question is directed against another person, *indirect violence* address the destruction of property or other material conditions that other human beings make use of in their activity. This twofold understanding of violence is exemplified by Honderich's definition of violence: 'a use of physical force that injures, damages, violates or destroys people or things' (Honderich 2003: 15).

In the definitions I have presented, Coady, Wilkins and Honderich include this aspect in their definitions. Direct and indirect violence are subcategories to violence. Hence, not indicating that terrorist violence also can take an indirect form does not necessarily imply that one would only ascribe direct violence importance to the issue. But since Coady, Wilkins and Honderich specify that terrorist violence can also be indirect, while others do not, this indicates a difference in views upon how relevant this aspect is considered to be for the subject – if it merits its place in a definition, so to speak. Primoratz, for instance, acknowledges that certain forms of indirect violence have relevance for the subject of terrorism, yet he does not incorporate this feature in his definition. The reason seems to be that Primoratz will only grant a very limited kind of indirect violence relevant to the subject, namely the one that deprives someone from the necessities to sustain life, such as destroying irreplaceable food resources in times of famine¹⁷. Destroying a valuable piece of art would not be an act of terrorism, however (Primoratz 2004a, in Primoratz (ed.): 21).

This leads us to the possible problems that are linked to Coady, Wilkins and Honderich's position, for what kind of violence against property qualifies to be called terrorism? First of all, in Coady's view indirect violence does not need to be life-threatening to be terrorism:

If an armed group seized an empty civilian airliner and blew it up as a contribution to their political campaign for liberation or whatever, this would plausibly be regarded as a terrorist act. If Israeli tanks are destroying the homes of innocent people in Palestine without actually killing the inhabitants, then this should surely count as terrorism.

(Coady 2004a: 7)

¹⁶ This interpretation of direct violence should not be mixed with Galtung's concept.

¹⁷ The question remains what kinds of resources are necessary to sustain life, however. Can this be determined objectively? Or does it relate to the subjective preferences of the victim?

Accordingly, Coady does not share Primoratz limited view on this issue. The scope is wider. Yet, it certainly cannot be the all-embracing Lockean understanding of property he has in mind, where every belonging is considered to be a continuation of the personal integrity of the individual. This perspective would make any action that violates someone's property a possible act of terrorism, given – of course – that they fulfil the other criteria in the definition. Let us consider an example that might clarify the nature of the problem:

If an environmentalist group decides to equip themselves with razorblades to cut scratches in the paintwork on parked cars to frighten people from driving to work, I think it would be counter-intuitive to describe this as terrorism. Still, the example fulfil many of the crucial features frequently used to describe terrorist activity; it is directed against civilians, it creates fear, it has a political incentive, it has an indirect form, etc. Therefore, the decisive point for why this act can be considered to comply with the definition of terrorism, even though it preferably should not, seems to be the aspect of indirect violence; the destruction of the paintwork of other people's cars.

What this anomaly tells us is that the violence in question has to have a degree of severity connected to it. One can certainly grant Primoratz' example of destroying valuable food resources in times of famine this degree of severity, for instance. Yet I agree with Coady that indirect terrorist violence does not only apply to material damages that are life-threatening. Primoratz' account is too narrow. What if someone had placed a bomb inside the Pantheon, blowing it up after closing hours to prevent causing any injury to the visitors? Would we not call these acts terrorism, even though they are not life-threatening? I think we would. But where should we draw the line between these acts and the mentioned paintwork scratching environmentalist group? This is tough question to answer. But this problem would also apply to the direct form of violence, for certainly not all forms of direct violence are relevant to the subject of terrorism. The crucial point, then, will be to limit the violence in question by specifying that it must contain a degree of severity (e.g. Coady 1985: 52). I admit that this is not really a solution to the problem, as one always can question whether an act of violence is severe or not. Yet, it seems to be a better alternative than not to mention this aspect at all.

Summing up, then, I think that terrorist violence can be both direct and indirect, but it has to be of a severe and devastating kind. The next question I will discuss is whether we can limit the violence in question by referring to the incentives behind these acts.

2.2.1.2. Incentives for terrorist violence – solely political?

‘In November 1955, Jack Gilbert Graham placed a bomb on board a passenger plane that killed all 44 persons on board. Graham’s reason was simple: he wanted to collect the life insurance policy on one of the passengers – his mother’ (Quillen 2002: 282). Without anticipating the outcome of the forthcoming discussion on the definition of terrorism, it seems fair to suspect that placing a bomb on an airplane with the effect of killing 44 innocent people could easily qualify to be described as a terrorist act. According to Chris Quillen, however, it is not. The reason is connected to Graham’s incentives – they were purely egoistic; he simply wanted to collect the life insurance of his mother!

This case tells us something crucial, namely that the incentives of the perpetrator have importance for whether or not we define an act as terrorism. The Graham example suggests that we can leave out all acts that are performed out of purely selfish incentives; street gangs terrorizing a neighbourhood, for instance. What we are left with, then, are acts performed for social reasons.

According to Schmid, there is a considerable degree of consensus on defining terrorism as a political act (65 %). With the exception of Primoratz and Waldron, all the definitions I have presented reflect this view. In Schmid’s list, it seems like the element ‘political’ has two meanings; it can both be interpreted in relation to the political incentives and political effects. In this part, I will concentrate only on political intentions, returning to the political effects in 2.2.3.

The first thing we need to clarify here is that not all political violence is terrorism. A protest march, for instance, might be both violent and political, but it is not terrorism. Thus, what we are discussing here is whether terrorism should be defined as a form of political violence. So far we have ruled out that terrorism can be performed out of selfish incentives. There has to be a social incentive behind the act. But social incentives do not necessarily have to be political. If we take Wilkins’ definition, there are at least two other possibilities that need to be taken into account. In addition to the political, he mentions economic and religious reasons. I understand his last category, social reasons, as a more general category than the others, which can be further divided into at least three sub-categories of reasons; political, religious and economic. Therefore, let us see if we can leave out any of the mentioned subcategories, which would narrow the field of our definition. As specified above, I will only discuss ‘reasons’ as ‘incentives’ in this part of the argument, returning to the effects later.

I think the question of economic incentives can be solved by differentiating between two forms; individual and social. In relation to the individual economic incentives we can refer to Graham's case, where we are talking about criminal acts but not terrorism. Concerning the social economic incentives, it seems reasonable to describe these as political. But what about the religious incentives? This is an important question, especially in relation to the shift Rapoport makes between the third and the fourth wave. In our present situation, should we not emphasize the religious factor over the political?

Now, the claim that terrorist acts have a political incentive need not imply that this is the only motive. Thus, the easy solution is to juxtapose religious incentives and political ones. But, many theorists, Coady being one of them, do not. The question is, then, if what we often refer to as religious terrorism, Islamic terrorism in particular, is more motivated by politics than religion? Here, it is hard to conclude unambiguously. We are dealing with a vast spectre of organisations with different political and religious foundations. Held has argued that the most significant, Al Qaeda, should be considered political; 'since it aims at the religious domination of the political, its violence is itself political' (Held 2004a: 63). Coady reasons accordingly:

my reference to political motivations is not meant to be so narrow as to include only secular or pragmatic outlooks. When religion or ideology employs violent means to undermine, reconstitute or maintain political structures for the further transcendent ends of the religion or ideology, then that counts as 'political purposes.'

(Coady 2004b: 41)

Held and Coady's point seems to be that one cannot differentiate between religion and politics if this secular division does not exist for the group in question. Thus, even though the incentives behind the act might be religious, we can indeed interpret them as political.

One possible objection to this perspective is that we thereby shift focus from the terrorist's incentives to our own interpretation of these incentives. I do not think this objection is very problematic, however. It cannot be that the actor's own experience of incentives automatically should outweigh others interpretations of his or her incentives. Even though psychiatrists in Nazi Germany claimed that the Euthanasia-programme was executed out of mercy for the victims, it seems absurd if we were not able to claim that there were indeed other incentives lying behind these acts, such as aversion against weakness.

We can conclude in the following terms: Is terrorism political violence? By answering affirmatively to this question we can exclude many other forms of violence and crime, which is crucial for the functionality of our definition. The challenge is that other incentives, such

as religion, could be considered equally significant. Basically there are two ways in which one can solve the question of religious motives. Either one could specify that it is integrated in the understanding of political motives, as Held and Coady do, or one could follow Wilkins' example and juxtapose religious and political motives. For simplicity, I prefer the latter to the former.

To sum up the analysis on what features specify terrorism as an act, I have argued that we can restrict our definition as follows: It implies the use of violence, or the threat of such. The violence in question can be both direct and indirect, yet it has to contain a certain degree of severity. The intentions behind the act are typically political or religious. I will now turn to the actors involved in terrorist activity, to see if this aspect might help us to specify the features of terrorism further.

2.2.2. On perpetrators and victims

Is it possible to extract a specific set of actors in relation to the issue of terrorism? Initially, we can differentiate between two groups; the perpetrators and the victims. I will start by analysing the perpetrators (2.2.2.1), focusing on two questions: First, can both state and non-state actors perform terrorism, or should we limit our focus only to the latter? Second, does terrorist activity have to be organized, or can lone standing individuals perform it as well? In relation to the victims (2.2.2.2.), I will focus on whether we can limit terrorism to the targeting of a specific group of people. I will concentrate on discussing three concepts that can specify this group; 'civilians', 'non-combatants' and 'innocents'. Lastly, I will give some depth to whether victims of terrorism can be considered to be random (2.2.2.3.).

2.2.2.1. Perpetrators: State and non-state actors

A highly debated question on the issue of terrorism has been whether it applies only to non-state actors, or if one also can talk of state terrorism. None of the authors in the passage reproduced above make an explicit point of this feature in their definitions. This is not to say that they thereby restrict their definitions to non-state actors only. On the contrary, many of them point out that the definition could apply both to state and non-state actors (e.g. Coady 2004b: 40; Honderich 2003: 15-16 and Wilkins 1992: 27). Primoratz, for instance, goes as far as claiming that '[h]istorically, the state has been the biggest terrorist' (Primoratz (ed.)

2004: xx). In Schmid's list, only 26 % of the definitions he analysed excluded state terrorism (Silke 1996: 22). Let us ask, then, whether a definition should apply only to non-state actors?

First, there are obvious historical reasons for saying that it should not. As I have already mentioned, the etymological origins of the term 'terrorism' are specifically related to state-terrorism, whereas the non-state meaning only came later. Second, there are some notable cases of acts that usually are described as terrorism for which state-actors have been responsible. A telling example is the Rainbow Warrior-affair in 1985 wherein French secret servicemen blew up the Greenpeace ship 'Rainbow Warrior', which had been demonstrating against the nuclear testing in the Mururoa Atoll. This resulted in the death of the Portuguese photographer Fernando Pereira. Despite cases such as these, some authors will still maintain that state-actors should not be included in the definition of terrorism. Why is that?

Two main reasons have been given, both relating to overinclusiveness. The first connected to acts of war that are not normally referred to as terrorism, but have obvious similarities, such as the conventional mass bombings of civilian targets (London, Hamburg, Dresden, Tokyo, etc.) or the nuclear bombings of Hiroshima and Nagasaki during World War II. The second problem of overinclusiveness concerns state terror of the kind performed by the Nazi regime, which Hannah Arendt describes in *The Origins of Totalitarianism* (1951), with later equivalents in paramilitary groups in Latin American countries, such as in Argentine, Chile, Nicaragua and Colombia.

Are these acts terrorism? This is a hard question to answer. On the one hand, it seems clear that they fulfill all the core features that designate a terrorist act (although some of them remain to be discussed). On the other hand, they might seem to be 'a bit on the side' to what we normally would refer to as terrorism. This has to be elaborated further, but in order to do this we need to provide some more clarity both to what terrorism is and to what bombings of civilians in war and state terror implies. Consequently, I cannot conclude on this issue at this stage of the argument. We will have to return to it at a later stage (i.e. part 3.3.). As a tentative conclusion, I hold that terrorism is performed by both state and non-state actors.

Organized or individual?

A second question that needs to be sorted out is whether terrorism necessarily needs to be tied to some organization, or if there can also be private terrorism. The problem of including the latter is related to the Graham example and the claim that terrorism cannot be performed out of selfish incentives alone. As I have already stated, terrorism should be related only to political or religious incentives. Hence, one might think that private terrorism would

somehow conflict with this view. I disagree with there being a conflict here. It seems perfectly possible for a lone standing individual to act out of political or religious incentives. A well-known example being the Unabomber, who stopped his letter bomb campaign after his 35,000 word long ‘manifesto’ was published in the Washington Post (Thackrah 2004: 277). Accordingly, an organized group might also perform acts that are similar to terrorism but out of purely selfish motives. Thus, even though terrorism usually is performed by organized groups, it seems clear that private individuals can also indulge in terrorist activity. Hence, I choose to leave out this aspect from my definition.

2.2.2.2. Victims: Civilians, non-combatants, persons or innocents?

Many theorists consider that the hallmark of terrorism to be the deliberate targeting of people who normally have immunity from being attacked. To cite Primoratz: ‘the defining feature of terrorism, and the reason why many of us find it so extremely morally repugnant, is its failure to discriminate between the innocent and the guilty, and its consequent failure to respect the immunity of the former and to concentrate exclusively on the latter.’ (Primoratz 2004a, in Primoratz (ed.): 20). Both Coady and Primoratz make this a decisive aspect in their definitions, whereas Wilkins, Waldron, Honderich and Narveson leave it out. Thus, in relation to the definitions I have presented, there seems to be a disagreement on this issue – a tendency that also is confirmed in Schmid’s list.

I will start out by drawing some preliminary distinctions between four notions; ‘civilians’, ‘non-combatants’ (Coady), ‘persons’ (Wilkins) and ‘innocents’ (Primoratz). ‘Civilians’ will apply to all persons that are not a part of any military organization. The same group are also included in the notion ‘non-combatants’, in addition to military personnel who are not in a combat situation. ‘Persons’ implies both military personnel and civilians. ‘Innocents’ is the antonym of ‘guilty’ and differs from the other three by having moral connotations. Which of these notions should be used to describe the victims of terrorism? I will start with the term ‘innocents’, since this notion stands out from the other three.

Innocents

Primoratz gives the following account of ‘innocents’:

What is the sense in which the direct victims of the terrorist are ‘innocent’? They have not *done* anything the terrorist could adduce as a justification of what he does to them. They are not attacking him, and thus he cannot justify his action as one of self-defence. They are not engaged in war against him, and therefore he cannot say that he is merely fighting in a war himself. They are not responsible, in any plausible sense of the word, for the (real or alleged) injustice, suffering, deprivation, which is inflicted on him or on those whose cause he has embraced, and which is so

enormous that it could justify a violent response. Or, if they have, he is not in a position to know that.

(Primoratz 2004a, in Primoratz (ed.): 17-18)

Hence, the term ‘innocents’ refers to those people who are not considered ‘guilty’ for the cause that provoked the terrorist attack. More specifically, ‘this includes all except members of the armed forces and security services, those who supply them with arms and ammunition, and political officials directly involved in the conflict’ (Primoratz 2004b, in Coady & O’Keefe (eds.): 33). But what perspective is this interpretation of guilt and innocence based on? Is it the victims’ view upon innocence Primoratz has in mind? Is it some kind of ‘objective’ moral standard? Primoratz meets this objection by arguing that ‘the terrorist’s victim is innocent *from the terrorist’s own point of view*, i.e., innocent even if we grant the terrorist his assessment of the policies he opposes’ (Primoratz 2004a, in Primoratz (ed.): 18), as the victim has no personal responsibility for the cause of the action (ibid: 18). The persons who bear this responsibility are the ‘officials’ and in Primoratz’ view, attacks on this group should be labeled ‘political assassination’, and not terrorism (ibid: 19).

In my view, there are two problems connected to Primoratz’ account. The first concerns whether it is possible to draw an absolute demarcation line between innocents and guilty, which is a necessity to grant Primoratz’ view analytic value. Primoratz seems to think that there are two ways in which one can be considered guilty. One is when being a decision maker that has some kind of responsibility for the cause, ‘c’, to which the terrorists oppose. This addresses the political establishment and the officials. The other way in which one can be considered guilty is when participating in the perpetration of ‘c’, either directly, which goes for the armed forces and the security services, or indirectly, by providing arms and ammunition. But do these interpretations of guilt provide a clear-cut answer to how to distinguish between the guilty and the innocent? Who are the decision makers that bear the responsibility? Is it the government, the parliament, or the political establishment as a whole? What about the electorate that put the government responsible for ‘c’ in power? It is certainly not implausible to say that this group shares the responsibility for ‘c’ and therefore can be considered guilty, especially not when Primoratz claims that his argument is based on ‘the terrorists’ own point of view’. To push it even further; what if the terrorists consider a whole culture complex, such as the Western world, as guilty for ‘c’? In this perspective, any person participating in this community will be considered a legitimate target for an attack.

Primoratz' response to this objection is that this all-embracing understanding of guilt will efface the difference between guilt and innocence (Primoratz 1997: 224). There is some truth in this, but I do not consider this response to be sufficient to overrule the difficulties of 'where to draw the line'. Concerning the Nazis' attempt to exterminate the Jews, for instance, I think it would be wrong to claim that the German people had no collective guilt. As an electorate, many of them participated in putting the Nazis in power in 1933 election, for instance. This leads us to the other problem that is related to Primoratz' account of innocence, namely whether guilt only addresses those that actively participate in 'c', or if omitting to try to change 'c' also could make you guilty. Returning the Nazis' attempt to exterminate the Jews, many would argue that neglecting to oppose this policy would make you a tacit accomplice.

To sum up, then; it seems like Primoratz' conceptualisation lacks fine-tuning, it fails to grasp the complexity related to the issue of guilt and innocence. Coady gives the following grounds for why one should use the notion 'non-combatants' instead of 'innocents': 'In traditional and contemporary discussions of the morality of warfare the category of "the innocent" usually collapses into that of "non-combatant" partly in order to avoid being sidetracked into a largely fruitless debate about mental states to which attributions of guilt or innocence are to be attached.' (Coady 1985: 54). If we concede Coady's point that 'innocents' more or less would refer to the same group as 'non-combatants', the semantic gain of using the former seems to be minimal, whereas the costs in ambiguity are considerable. Therefore, let us turn to the other concepts I have mentioned and see whether these are more suitable for a definition.

Civilians, non-combatants and persons.

I think it is self-evident that civilians are included in the victims group. It would certainly be absurd to claim that terrorism should only apply to military personnel. Accordingly, the question I will address here is whether terrorism only concerns the deliberate targeting of 'civilians' or if it can also include other groups.

Let us start by asking what we mean by 'military personnel'? Here we can make a distinction between those who might take active part in warfare as combatants and those who are a part of a military organisation, but without bearing arms or taking any part in warlike activity. The question is if we can leave out the latter group. Let us consider an example: Would it be reasonable to claim that the 9/11 attack on the US Pentagon should not be considered a terrorist act since it was directed against the US Defence Department? Of

course, the attack also claimed the lives of many civilians, such as the passengers and crew on the plane, employees not part of the military staff, etc., so we would have to twist the example slightly: If the plane had been empty except from the hijackers and that the crash only had killed US army personnel, should we consider this act a terrorist attack simply because it did not claim any civilian casualties? I think not. To put it bluntly; the fact that you receive your paycheck from the US army does not automatically make you a legitimate target.

Thus, our third consideration concerns only the part of the military force that could participate in warlike activity as combatants. Here we can make a distinction between those that actually take part in acts of war, and those that do not (but potentially might). If the victim aspect should merit its place in a definition, it ought to have an excreting value. Therefore, I think it is clear that soldiers in combat situations should not be included in the victims group specified in a definition of terrorism. This would be an important definitional tool to differentiate between terrorism on the one side and guerrilla warfare and resistance movements on the other¹⁸. It should be mentioned, however, that there are philosophers who questions if combatants should be considered more legitimate targets than civilians:

many members of the armed forces are conscripts who have no choice but to be combatants. Many conscripts in the Israeli army, for instance, may disapprove of their government's policies. Many others of those who participate in armed conflict, in the U.S. armed forces for instance, have been pressed into service by economic necessity and social oppression.

(Held 2004a: 66).

Even though Held's point might pose some interesting questions, such as whether a warmongering civilian might be more morally culpable than a young soldier that joins the army out of economic necessity, it seems as we would be striving with the same problems as with Primoratz' suggestion of 'innocents'.

Let us therefore turn our focus to whether we might leave out the other group; namely soldiers that do not participate in war. Here, I think one can make a distinction between soldiers that are a part of a country's regular national defence army and soldiers that participate in missions abroad. It seems clear that if someone were to blow up one of the barracks of the Norwegian Home Guard, we could certainly label this a terrorist act, even

¹⁸ This is not to say, however, that guerrilla and resistance movements cannot indulge in terrorist activity. If they were to target civilians or non-combatants deliberately, they are, of course, adopting terrorist methods.

though it only killed soldiers. Concerning the soldiers that participate in missions abroad, however, the picture is more complex.

On the one side, it seems clear that participating in actions outside own territory need not necessarily make you a legitimate target. One example being soldiers in peacebuilding operations under the UN flag. But, between this group and soldiers indulging in regular warfare there is an area where it is harder to determine whether the soldiers should be granted non-combatant immunity or not. If we consider the recent attacks on US troops in post-war Iraq¹⁹, for instance, I think it is questionable if these acts should be labeled terrorism even though they are labeled as such by the US administration. For even though it is true that the soldiers are not participating in regular fighting²⁰, they would still be an occupying force, at least until the established Coalition Provisional Authority transferred sovereignty to the Iraqi interim government in end of June 2004²¹. The point I am trying to make here is that there also are difficulties related to the notion of non-combatants. While it seems clear that ‘civilians’ is too narrow, with the effect of being underinclusive, ‘non-combatants’ might be too broad, as we are striving with overinclusiveness due to the difficulties surrounding whether one should be considered a combatant.

To sum up: First of all, by specifying that terrorism implies the deliberate targeting of civilians or non-combatants, we have a distinct characteristic that might sort out a number of borderline examples, such as guerrilla warfare and armed resistance. Therefore, I think we should not include attacks on combatants in the definition of terrorism. This leaves out Wilkins’ suggestion that terrorism targets ‘persons’ (in general). Secondly, to have a functional definition of terrorism, we should reject Primoratz’ suggestion of designating the victims of terrorism as ‘innocents’. Thirdly, based on my discussion, the term ‘civilians’ is underinclusive, as there are agents within the military system that should be granted non-combatant immunity. My suggestion, then, is that we should designate the victims of terrorism as ‘non-combatants’, even though this might be over-inclusive in some respects (e.g. the US troops in post-war Iraq).

¹⁹ Another example is the British Security Forces in Northern Ireland.

²⁰ Officially, the war in Iraq ended on 1st May, 2003, when President Bush declared ‘the end of major combat operations in Iraq’ under the ‘Mission accomplished’ banner at the aircraft carrier USS Abraham Lincoln.

²¹ Thus, whether these attacks should be considered as guerilla war, or if it should be labeled terrorism, seems to be a question of what perspective the Iraqis have upon the US forces’ presence. In a recent poll conducted by the *Program on International Policy Attitudes* (January 31, 2006), ‘What the Iraqi Public Wants’, 47 % of the respondents said they approve of ‘attacks on US-led forces’ and 87 % approved an endorsing timeline for US withdrawal (http://www.pipa.org/OnlineReports/Iraq/Iraq_Jan06_rpt.pdf). Other polls have reflected the same tendency.

2.2.2.3. On randomness

One aspect that often is brought up to define terrorism is that it strikes randomly. In the definitions I have presented, it is Narveson that puts most emphasize on this aspect: ‘by random acts of violence: meaning by ‘random’ that they may fall upon anyone in a sizeable class of persons, at any time, are done without specific warning, and are done in an utterly impersonal manner.’ (Narveson 1991: 119). On the basis of Narveson’s definition, we can extract two possible interpretations of ‘random’:

1. It can designate the time and place of the attack (‘at any time, are done without specific warning’). This goes for element 18 in Schmid’s list: ‘Incalculability, unpredictability, unexpectedness of occurrence of violence’.
2. It can describe the victims of the terrorist attack (‘may fall upon anyone in a sizeable class of persons (...), are done in an utterly impersonal manner’), echoing element 12 in Schmid’s list: ‘Arbitrariness; impersonal, random character, indiscrimination’ (21%).

I will now discuss the relevance of both of these interpretations.

1. Intuitively, it might seem obvious that terrorism is an act that strikes randomly in time and place. It is the feature of unpredictability that makes it hard to defend oneself against terrorist attacks, and this is what makes it an efficient tactic against an adversary that most often is superior in military strength. But even though this aspect can appear to be a key element in the logics of terrorism, it comes out fairly low on Schmid’s consensus list (9%). Why? I think the most important reason for this is that randomness in time and place will be dependent on what perspective we have in mind. On behalf of the victims or the society that is attacked, it is an adequate description in so far as they could not have ‘seen it coming’ at the time of the attack. But if one takes the terrorists perspective, it is the other way around; ‘terrorists do not strike blindly and pointlessly, left and right, but rather plan their actions carefully, weighing the options and trying for the course of action that will best promote their objective at the lowest cost to themselves.’ (Primoratz 2004a, in Primoratz (ed.): 17).

But even when specifying that randomness in time and place only is related to the perspective of the victims, or the society that has been attacked, there are other problems connected to this view. First of all, there have been examples of acts we normally would refer to as terrorism where the perpetrators have warned about the attack in advance to limit the number of civilian casualties. The second problem is that the risks of terrorist attacks are in fact not totally random, but considerably higher in some places of the world than elsewhere.

According to the RAND's 'Terrorism knowledge base', from the 1st of May 2003, when president Bush officially declared that the war in Iraq was won, to 15th December 2005, 3020 of the 4510 recorded terrorist attacks took place in Iraq, claiming 8391 of totally 9302 victims²². Thus, it seems fair to say that for a citizen of Baghdad, the chances of being targeted in a terrorist attack would be considerably higher than for someone living in Honningsvåg.

2. What about randomness in relation to victims, then? Again, there are problems concerning the differences of perspectives between the victimized society and the terrorists. If we take the 9/11 attacks, it is obvious that the targets were not random: The attack on the Pentagon was directed against the US Defence Department, the Twin Towers represented the American global economical dominance²³, whereas the last plane allegedly had Capitol Hill or The White House as target, i.e. the political establishment. The question is, then, whether the people inside these buildings can be considered to be random victims? The way I see it, there are three things that challenge this view:

First of all, the victims of a terrorist attack are often targeted because they represent a specific social group. The Madrid bombs in 2004, for instance, were directed at Spanish civilians and not Italians. Thus, even though there is a degree of individual randomness concerning who the terrorists actually victimize within the specific group they attack, the group they choose to target is not random.

Secondly, the effect of a terrorist attack might vary considerably according to who the victims are: 'Terrorism clearly does not have to be indiscriminate, in the sense of random or irrational, since terrorists may carefully weigh the worth of the victims they target for achieving the purposes they have in mind' (Coady 2004a: 7). If the 9/11 hijackers had chosen to crash their planes into an apartment building in the poor quarters of New York, for instance, it is not certain that the effect of the attack on the American society would have been the same, even if we imagine that the death tolls had been equally high.

Thirdly, on behalf of the terrorists, it might also be a part of the strategy that the victims appear to be random with respect to create the desired effect: 'Rather than

²² <http://www.tkb.org/IncidentRegionModule.jsp>

It should be mentioned that there are problems connected to these figures, as RAND's definition of terrorism also counts in attacks on US troops.

²³ At the opening day of the stock market after the 9/11 attacks, the Dow Jones index lost 7,1 % of its value and it continued to fall the succeeding days (Waldron 2003: 22). Burton M. Leiser has estimated that the damage inflicted upon the US economy by the 9/11-attacks' add up to about \$285 billion (Leiser 2004, in Primoratz (ed.): 194).

“deliberately choosing victims at random,” terrorists attempt to give the *impression* that their targeting is random (...) to create the climate of fear’ (Mickolus 1987: 56).

To conclude; whether randomness, either in time or space or on behalf of the victims, should be a part of a definition of terrorism is a difficult question. First of all, it is clear that unpredictability is a part of the logic of terrorism, creating a sentiment of vulnerability in the targeted society, and for the society that is attacked, an act of terrorism would typically occur suddenly and without warning. But if we take the terrorists’ perspective, we are talking about a carefully planned act, directed against a specific group of persons to create a certain desired effect. Secondly, terrorist attacks are not happening out of an *absolute* randomness, meaning that the terrorists can hit anyone at any time at any place. Certain groups of people have a higher probability of being attacked than others. In sum, this makes me leave out this aspect in my own definition.

2.2.3. Purposes and aims – the rationale behind terrorist activity

As I have pointed out, terrorism is not an incidental act based on the terrorist’s perspective. Most often, it is a carefully planned and highly conscious act, balancing when, where, how and against whom one should commit an act of terrorism. What do the terrorist hope to achieve, then?

The definitions in my selection give the following answers to this question:

- ‘the strategy is to inspire the ‘target’ population with terror’ (Narveson).
- ‘the aim of intimidating some other people into a course of action that they otherwise would not take’ (Primoratz).
- ‘to put people in general in fear’ (Honderich)’.
- ‘partly at destabilizing the political or social order, (...) mainly at publicizing the goals or cause espoused by the terrorists; often (...) aimed at provoking extreme countermeasures which will win support for the terrorists and their cause’ (Wilkins).
- ‘the possibility of creating a certain psychosocial condition, ψ , in a population that is radically at odds with the range of psycho-social states $\{\varphi 1, \varphi 2, ..., \varphi n\}$ that the government wants or needs or can tolerate in its subject population’ (Waldron).

The way I see it, one can differentiate between three basic approaches to the motivation for terrorist activity in this selection: Narveson, Honderich and Waldron focus on the aim of creating psychological effects (terror, fear, ‘ ψ ’), Wilkins concentrates on the concrete aims that the terrorists hope to achieve by their acts, whereas Primoratz puts an emphasize on affecting a third party. These three approaches are not excluding one another; concrete aims might be the result of psychological effects, for instance. I will start my discussion on the psychological effects. In continuation of this, I turn to the concrete aims. Lastly, I will discuss the view of affecting a third party.

2.2.3.1. Psychological effects

According to Schmid’s list, there seems to be a considerable degree of consensus that terrorism seeks to spread fear and terror (51 %) or other sorts of psychological effects or anticipated reactions (41,5 %). It is worth noting that ‘fear and terror’, which can be interpreted as a subcategory to ‘psychological effects and anticipated reactions’, has a greater range of impact than the latter. One obvious reason for this lies in the semantic roots of the term. Many theorists hold this aspect to be the most essential feature of terrorism as phenomenon; i.e. ‘we will look pretty silly if we do not mention terror in our account of terrorism’ (Teichman 1989: 511). Therefore, I will start my investigation by analysing whether this subcategory has sufficient explanatory value.

In Schmid’s list, ‘fear’ and ‘terror’ are juxtaposed. It should be noted that these concepts often are thought to have a slightly different meaning. Hannah Arendt, for instance, describes terror as a deeper and more extensive condition than fear: ‘under conditions of total terror not even fear can any longer serve as an advisor of how to behave’ (Arendt 1973: 441). Hobbes also makes an interesting remark concerning the difference between the notions, defining terror as ‘*Feare*, without apprehension of why, or what’ (Hobbes, *Leviathan*: 42). Primoratz considers terror to be a condition of ‘extreme fear’ (Primoratz 2004a, in Primoratz (ed.): 16). If we conclude that there is a difference between the two concepts, namely that ‘terror’ is a somewhat deeper sentiment than ‘fear’, both concepts still seem to be relevant for the subject of terrorism. If we consider 9/11, for instance, the citizens in downtown Manhattan might have been in a condition of ‘terror’, yet ‘fear’ might be more relevant as concept for designating the sentiments of US citizens living outside New York City. Therefore, in order to avoid the difficulties that might emerge by using just one of these concepts – ‘terror’ being too narrow and ‘fear’ being too wide – I choose to use both in my own definition, to designate the borderland between the two.

But why is it that half of the definitions in Schmid's list leave out this aspect? Given the etymological background of the word, it seems surprising that the consensus on this point is not higher. In fact, it might even be much lower than Schmid's list suggests, bearing in mind that Weinberg, Pedahzur & Hirsch-Hoefler concluded that psychological aspects had lost significance in the definitions they examined. What are the reasons for not implementing the fear/terror aspect in a definition of terrorism?

Coady gives three grounds that are worth discussing:

In the first place, stress upon this effect tends to preclude any serious concern with the more intrinsic issue of the type of methods used (as it may be) to generate the fear. (...) Secondly the fear effect seems to some degree associated with all uses of political violence, including open warfare where civilian populations are involved though not directly attacked. Thirdly, intimate as the fear effect may be, it does nevertheless seem possible that terrorist attacks should give rise, not to the spread of fear and demoralization, but to defiance and strengthening of resolve.

(Coady 1985: 53).

Are the objections Coady mentions strong enough to disallow the fear/terror element from a definition?

1. Coady's first objection to the threat/terror-element, namely that it might preclude other and more important features of the phenomenon, is twofold. First, it suggests that we should limit the number of elements in the definition, focusing only on core aspects. This point is a question of methodological preferences, and it certainly does not disallow other authors to think differently upon the definitional issue.

The second part of Coady's first objection is a specific criticism of the explanatory value to the fear/terror-aspect. There might be some truth in this, as we shall see in the forthcoming discussion, but one should underline that this objection in itself – that is; as a statement that is not backed by additional grounds – cannot be considered sufficient to disallow the fear/terror-element. Even though Coady holds that stressing upon the effects is less relevant for a definition of terrorism, this certainly does not exclude others from having a different point of view. Thus, Coady's first argument on why the fear/terror aspect should be disallowed is not very convincing.

2. Coady's second objection is that the element of fear/terror risks overinclusiveness, as warfare and other forms of political violence might be included in the definition. Principally speaking, this needs not to be decisive for leaving out the fear/terror-aspect,

however. As Coady himself has stated: ‘Mathematical exactitude is not indeed to be expected in the clarification of political concepts. They will always have fuzzy edges and will be subject to contentious interpretations generated by other concepts used in the clarification’ (Coady 2004a, in Primoratz (ed.): 3). A definition of terrorism is no exception on this matter; it will necessarily be somewhat imprecise. What we need to ask, then, is whether the examples of overinclusiveness that Coady mentions are severe enough to suggest that we should leave out the fear/terror aspect entirely?

Coady bases his argument on the fact that there are other actions that create the same psychological effect without being terrorism. Yet fear/terror is seldom the only element in a definition on terrorism, and if we designate terrorism as a politically or religiously motivated act of severe violence that deliberately targets non-combatants to create fear/terror, we can exclude most of the examples Coady refers to. There will still be examples that pose difficulties, however. In relation to the issue of war, one might point at acts of war that deliberately target non-combatants, such as the nuclear bombings of Hiroshima and Nagasaki, and the conventional bombings of German and British cities during WWII. But does the element of fear/terror make the difference on this matter? Suppose we left it out, would this example not have been included anyway? Taking Coady’s definition, for instance; ‘The organised use of violence to attack non-combatants (‘innocents’ in a special sense) or their property for political purposes’, it seems like we still will be striving with the same problem. Accordingly, I do not consider Coady’s second argument to be dismissing the fear/terror-aspect either.

3. Coady’s third objection is that terrorism does not necessarily need to create fear. It might just as well create anger or repulsion, with the effect of strengthening the moral or unwillingness to comply with the terrorist demands. Now, I grant Coady that such situations might erupt. After the bombings in London 2005, for instance, Londoners reportedly made a point of carrying on with their daily habits. The question is, then; would we consider an act that fulfilled all other demands in a definition except the fear/terror aspect as something else than terrorism? I think it is fair to say that it we would not. What we are striving against, then, is a problem of underinclusiveness; there are actions that fall outside the definition that should be labeled terrorism.

One way of meeting this objection is to link the fear/terror-element to the intentions of the terrorists, and not the effects on the targeted society. But terrorist activity could certainly be motivated by other incentives than to create fear/terror; revenge being one

possibility. Therefore, the argument I have suggested against Coady's third objection is unsatisfying. To quote Coady: 'we would surely call the bombing slaughter of a busload of schoolchildren 'terrorist' even if the perpetrators intended to spread anger rather than fear, believing that an angry population and government would act foolishly and play into their hands' (Coady 2004a: 6).

I hold Coady's third objection to the fear/terror aspect to be his strongest. But does it really refute it? On the one hand, I think it should be recognized that fear/terror is a crucial feature of most terrorist activity. On the other, Coady is right in claiming that terrorism can also create other effects or be based on other motives than to create fear/terror. Therefore, we could use the wider category 'psychological effects'. The core feature of Waldron's definition, is to use the neutral symbol ' ψ ', which might be any potential psychosocial condition. Yet, this category might easily be overinclusive. Even though every act of terrorism is not connected to the aspect of fear/terror, we might suspect that most of them are. If we want to maintain the aspect of fear/terror in our definition, it seems necessary to use the notion 'often' or 'frequently', thus implying that there might be other effects or other motives than fear/terror. In my own definition I will favour this strategy. Yet I will also grant Waldron's suggestion importance. The point of using a wider concept, such as psychological effects' is to draw the attention to what might come out of this condition. This forms the link to the next theme of discussion, namely the aims of terrorist activity.

2.2.3.2. Concrete aims

Let me repeat that terrorism is performed in order to further certain aims. Yet, in the definitions I have presented above, only Wilkins makes this a part of his definition. He mentions three specific aims; destabilizing the political or social order, publicizing the goals or cause espoused by the terrorists; provoking extreme countermeasures which will win support for the terrorists and their cause. All these aims seem to be plausible explanations for why terrorists carry out their attacks. But why is it that only that Wilkins mentions such aims? There are two basic problems of making the concrete aims of terrorist attacks a part of the definition. First of all, it is always possible to be underinclusive in leaving out other possible aims. In addition to the aims Wilkins mentions, Waldron specifies five other possible aims for terrorist activity (Waldron 2003: 24 – 33):

- To perform an act of war (asymmetric warfare)²⁴
- Retaliation / Punishment
- Therapy for the predator (the Fanon-argument²⁵)
- To set an example/send out a message to the targeted population.
- Seeking compliance to certain ethical principles / moral awakening²⁶.

One could also extend this list even further by pointing at other possible aims, such as:

- To destabilize the existing political or social order.
- To put pressure on the political leadership to change their policies or to change a political process (the Madrid bombings).
- To expose vulnerability.
- To show own strength.
- To create negative extended effects (social, economical, e.g.)²⁷.

Therefore, there is a practical problem connected to making this aspect a part of the definition of terrorism; one cannot possibly cover all the possible aims in a definition without making it absurdly long.

Waldron has suggested that there is also another problem; namely that it endangers overinclusiveness: 'I think it would be a mistake to try to define terrorists in terms of their characteristic ends, because those ends are many and varied and they are often capable (at least in principle) of being pursued also using non-terroristic means' (Waldron 2003: 24).

To conclude, then, on the one hand it seems clear that terrorist acts have specific aims. On the other, it seems problematic to specify what these aims are in a definition of terrorism. How should one bring these two together in a definition, then? Well, to me it seems that we should follow up on Waldron's definition, taking a more general stance toward the concrete aims of the terrorist acts.

2.2.3.3. Terrorism as a means-end strategy

If we maintain that terrorism is done for a specific purpose, why would one deliberately attack non-combatants? In his definition, Primoratz suggests that the aim of the attack is not

²⁴ Osama Bin Laden has numerous times described terrorist attacks as acts of war against the US and the Western civilisation (see Miller 2004, in Coady & O'Keefe (eds.): 43-57).

²⁵ In *Les damnés de la terre* ('The Wretched of the Earth') (1960), Fanon argued that violence against oppressors could restore the self-respect of the oppressed, making the revolutionary violence something self-purifying for the perpetrator.

²⁶ This is Honderich's basic argument for justifying terrorism, which I will elaborate at length in part 3.

²⁷ As a result of the Palestinian suicide bombings in second *Intifada* (2000 -) the tourist trade in Israel declined with more than 50 % (Waldron 2003: 22).

really the victims, but a third party, as terrorism has ‘the aim of intimidating some other people into a course of action that they otherwise would not take’. He elaborates: ‘Terrorism has a certain structure. It has two targets: the primary and secondary. The latter target is directly hit, but the objective is to get at the former, to intimidate the person or persons who are the primary target into doing things they otherwise would not do’ (Primoratz 2004a, in Primoratz (ed.): 24).

What Primoratz is describing here is an indirect strategy, where the victims are not the primary aim of the attack. This differentiates from a direct strategy, where the victims are the primary target. If we turn to Schmid’s list, this aspect has resonance in many of the categories. The basic structure is included in element 6: *Victim-target differentiation* (37, 5%), but also the elements 10: *Coercion, extortion, induction of compliance* (28%), 11: *Publicity aspect* (21, 5%), 14: *Intimidation* (17%), 17: *Symbolic aspect, demonstration to others* (13, 5%) and 22: *Demands made on third parties* (4%) are related to the same line of reasoning. In the definitions I have presented, it is especially Primoratz, Waldron and Wilkins that put emphasize on this issue. But why does terrorism have this indirect structure?

I have already clarified that terrorism aims at creating a certain psychological effect in the targeted society. Following Waldron, the purpose of creating this effect is to provoke a certain change of conduct within an audience. Sometimes this change of conduct can be related to a social group, namely the people within the targeted population, which is Waldron’s view. Primoratz’ proposition is that the aim is to promote a change of conduct within a third party, namely the political machinery of power that stands in relation to the targeted group. Schematically, this can be described as follows:

Political instance (end) \longleftrightarrow Social group (means) \longleftarrow Terrorist

The obvious example of such a means-end strategy is the Madrid bombings in 2004. The aim of this attack was supposedly to affect the outcome of the general election and make the Spanish authorities pull out their military forces from the US led coalition in Iraq. If the Madrid bombings really were decisive for the outcome of the elections, it illustrates that terrorists are, in fact, capable of changing the political discourse to their own benefit. By using the victims as a means to create a certain political climate within the electorate, they were able to produce political consequences.

An important feature of this strategy is to use the media as a ‘loudspeaker’ to generate this effect. To describe the basics of this strategy, I will quote a passage from Schmid:

Unlike the guerrilla, the terrorist does not occupy territory on the ground. However, if engaging in a well-orchestrated campaign, he might succeed in occupying our minds by creating a climate of fear, thereby manipulating target audiences at the emotional level. To the extent that these audiences are not direct witnesses of the terrorist deed, '[t]he success of a terrorist operation depends almost entirely on the amount of publicity it receives', as Walter Laqueur put it. If audiences are the target, the terrorists are the star performers and the public space where they create a violent reality becomes the stage of their theatre from which they amaze and shock the public.

The media and the terrorists interact in a peculiar way. While it is true that everybody tries to use the media, the terrorists do so by spilling people's blood, mostly the blood of innocents. The purposeful creation of bad events by means of terroristic violence can assure them free access to the news system. Expressed somewhat cynically: Some people have to perish at the hands of terrorists so that the editors will publicize the existence, demands, and goals of terrorists. Where terrorism is predominantly media-oriented – and a great deal of it is – editors can become accessories (often unwitting accessories) to murder. So far, the division of labour between the terrorist as fear generator and the unwitting editor as fear amplifier and transmitter has not been fully perceived and absorbed by all those responsible for the media.

(Schmid 2004: 207-8)

The logic behind the media strategy is this, then: The terrorist, 'T', has a specific aim; namely to influence a political decision-maker, 'P'. However, 'T' does not possess the appropriate means to affect 'D'. In order to do this, 'T' has to produce a certain large-scale socio-psychological effect, 'e', which will have an impact on 'D'. The only way 'T' can succeed in creating 'e' is by reaching a broad audience. This can only be done through prime time coverage in the mass media. To get this kind of coverage, the 'T' must perform an act that has a certain dramaturgical structure; it must be something extraordinary²⁸.

Thus, the rationale goes as follows: 1) The terrorists commit an extraordinary act of violence in order to 2) get prime time media coverage 3) with the aim of creating a certain psychological effect 4) to create a change of conduct, in either 4a) the targeted community, or 4b) the political authorities.

Is this strategy a common feature of terrorism? I think it is clear that it has relevance for some of the most spectacular acts of terrorism, such as 9/11 and the Madrid bombings. But then we must ask if these are typical terrorist acts? As I have already mentioned, there are few acts of terrorism that have had more than 100 casualties. Even if we were to lower the definition of large-scale terrorism to 25 casualties, there have only been 76 incidents during the second half of the 20th century (Quillen 2002: 282)²⁹. According to RAND's 'Terrorism knowledge base', the number of Terrorist Incidents from 1968 to 01.01.2000 is

²⁸ Here, I will not discuss the normative aspects of whether the media should respond differently to terrorism than they do.

²⁹ 'In those attacks a total of 5,690 persons were killed for an average killed per attack of nearly 75 people' (Quillen 2002: 282).

11,162³⁰. Despite the mentioned difficulties that are connected with these figures (see footnote), they still tell us that the spectacular large-scale acts terrorist attacks are of limited importance for the issue in general. Therefore, the relevance of the media strategy aspect will depend on what we are trying to define. If we address to the large-scale terrorist attacks, it seems to be a highly relevant feature. If one tries to grasp the totality of the terrorism issue, it might turn out to be a more marginal phenomenon. This does not leave out the indirect strategy as such, however, for using non-combatants as a means does not necessarily need to include a prime time media strategy. If one takes the terrorist attacks in post-war Iraq, for instance, the rationale behind these acts is closely integrated with the aim of destabilizing the political order.

To conclude, then; I hold that the indirect strategy suggested by Primoratz to be an essential feature of the logics behind many acts of terrorism. If we focus only on the most spectacular large-scale terrorist attacks, I take it to be highly essential. This aspect is highly essential to understand the logics behind why terrorists deliberately attack non-combatants; they serve as a means to another end.

2.3. A definitional attempt

I have tried to discuss some core definitional elements related to the issue of terrorism. A general problem connected to each of these elements is related to the problem of under- and overinclusiveness: There will always be acts that are either left out of the definition that should have been covered, or acts that should have been covered by the definition that are left out. As I mentioned in the preliminary discussion to the analysis, I think it is fair to say that any definition of terrorism will encounter these problems. The important thing, then, is that the definition be functional: It should determine the semantic core of the notion. My choice to use the word 'core' here is not random. When trying to grasp a notion as terrorism, one might say that it has a hard core and a looser periphery. The hard core consists in acts that are clearly integrated in the notion (the Beslan massacre, 9/11, the bombings of London

³⁰ <http://www.tkb.org/IncidentRegionModule.jsp>

and Madrid, for instance). The looser periphery, however, consists in acts that are more difficult to get a hold on (political assassinations, sabotage, etc)³¹.

In my discussion, I have focused on three aspects: What signifies terrorism as activity, the distinctive features of the actors involved, and the rationale behind terrorist acts. I will sum up the conclusions I have made during this discussion. Afterwards, I will concretise this in a definition of terrorism, which I will use in the forthcoming discussion on whether terrorism can be justified.

In 2.2.1., I concentrated on the relationship between terrorism and violence. I concluded that terrorism can both be an act of violence or threats of such. The violence in question can both be direct (directed against other persons) and indirect (directed against things), but it has to contain a degree of severity. In addition, the violence in question cannot be performed out of purely selfish incentives. It must be carried out for social reasons. I concluded that these will either be political or religious.

In 2.2.2, I discussed the role of the actors that are involved in terrorism. First, I focused on the perpetrator, and made a tentative conclusion that both state and non-state actors can perform terrorism. I also decided that both organizations and private individuals can perform terrorism. Second, I concentrated on the victims. Here, I argued that it would be most fruitful to describe this group as ‘non-combatants’, even though this concept might be overinclusive in some respects. The reference of ‘civilians’ was found too narrow and the use of ‘innocents’ lacked functional value. I also determined that we should not make randomness a part of our definition, as this aspect is perspective-dependent.

In 2.2.3., the scope of my discussion was to clarify the rationale behind terrorist activity. First, I discussed the element of fear/terror. My conclusion was that this is not a necessary condition for terrorist activity since neither the intentions behind the attack, nor its effects, needs to be the creation of fear/terror. Yet, since this aspect is an important feature of most acts of terrorism, I decided to specify that it is a frequent, and not a necessary, feature. Next, I clarified that there were practical problem connected to making concrete aims a part of the definition of terrorism, as it could always be underinclusive. Lastly, I pointed out that terrorism is to be understood as a means-end strategy, where the victims have an instrumental function to influence an audience. I concluded that this strategy could take two forms. Either

³¹ G. Wallace has a similar understanding, differentiating between ‘hard terrorism’ (*the deliberate targeting of innocent people*) and ‘soft terrorism’ (Wallace 1991: 150)

it could be related to the people within the targeted community or the decision-makers that are related to them.

When summing up these conclusions in a definition of terrorism, it is essential to underline that some of them are more important than others. To illustrate my point: If one was to compose a colour, it will consist of different base colours, but these base colours are not equally important for the finished result. Thus, removing one base colour might have larger effects for the outcome of the composition than another. What I am trying to illustrate here is that some of the definitional elements are more important than others when it comes to defining terrorism. In my view, three should be emphasised in particular:

Terrorism is

- an act of severe violence (or threats of such) with political or religious incentives.
- a strategy of deliberately targeting non-combatants
- an instrumental strategy (means-end differentiation).

Less important features, but nonetheless relevant ones, are that the attacking of non-combatants are done to create a psychological effect, which again has a certain aim of provoking a certain conduct, either in the targeted group or in third parties. Lastly, I think it should be noted that both state- and non-state actors, and both by organisations and private individuals could perpetrate terrorism. Concerning the previously mentioned borderline-cases, I choose to leave out all forms of guerrilla warfare, armed resistance, sabotage missions, and political assassinations, insofar as these acts do not have a deliberate aim of attacking non-combatants, from my definition. In sum, this leads to the following definition of terrorism:

Terrorism is a deliberate act of severe violence (or a threat of such) against non-combatants, which is carried out with a political or religious intention. Most often, the purpose behind this act is to use the victims as a means to produce a certain psychological effect (generally fear and terror) within the targeted society. This effect can consist in generating a certain change of conduct, either within the targeted society a third party, or both, that is thought to be of benefit to the perpetrators.

3. Can terrorism be morally justified?

Coady has argued that in a moral discussion on terrorism, the interesting question is not whether it is generally wrong but whether it is sometimes permissible (Coady 2004b: 58). I agree with him on this. The question I will focus on in this part is whether terrorism is always wrong, allowing no exceptions or exemptions. As I have pointed out earlier, I think that we can separate between three types of justification arguments:

- *Utilitarian arguments*, which hold that an act of terrorism can be justified if its positive effects outweigh its negative costs, and if there are no other alternative routes of action that could have better effects on the totality of well being than this act.
- *Rights-based arguments*, which claim that terrorism can be morally justified in situations where a group of people are systematically and unjustly being deprived of their basic human rights, and where the use of terrorism can change this situation for the better.
- *Analogy arguments*, which draw an analogy between terrorism and war and claim that they both violate the same ethical principles (such as deliberately targeting non-combatants). Since we sometimes justify the violation of these ethical principles in war, we must also grant terrorism the same possibility of being justified, as a matter of consistency.

It is my understanding that these three categories cover most of the ethical arguments that seek to grant terrorism justification. In this respect, my discussion has an aim of clarifying three common strategies that are used to give justification to terrorism.

Here, it should be mentioned that categorising ethical reasoning implies extracting some factors over others, often with the effect of cultivating and emphasising the differences rather than the similarities. This brings attention to a possible drawback with my methodological choice: When speaking of ethical categories such as ‘utilitarian’ and ‘rights-based’, it is important to bear in mind that most contemporary ethical thinkers tend to fall somewhat in between these categories. Thus, even though I will discuss the contributions

under different ethical headings, this does not necessarily imply that they are purely utilitarian or purely rights-based. It is, of course, a question of degree.

For the forthcoming discussion, two important remarks should be made:

First, I will only consider two possible outcomes to the question of whether terrorism can be justified: Absolute condemnation and circumstantial justification. I understand these two outcomes to mutually exclude one another – one cannot consistently hold that terrorism both should always be condemned and sometimes morally justified.

Second, as I have pointed out before, I do not support the view that terrorism is unjustified in itself. To claim that it is unjustified, we have to provide moral grounds for our view. In this discussion, this means that to maintain an absolute condemnation of terrorism we have to meet the mentioned justification arguments with moral counterarguments. If successful, I consider this to be a considerable argumentative gain in relation to the ‘condemnable in itself’-version, for reasons I have given earlier. If we do not succeed in providing such counterarguments, however, it seems that we have to disallow the absolute condemnation view, and grant terrorism the possibility of circumstantial justification.

The outline for this chapter is as follows: In 3.1., I will examine arguments within the utilitarian tradition, paying special attention to the argument of Honderich. In 3.2., I turn to rights-based arguments for justifying terrorism, focusing on Wilkins and Held. Lastly, in 3.3., I will discuss the analogy arguments, where the contributions of Wallace, Coady, Primoratz, and Walzer will play a crucial role.

3.1. Utilitarian arguments for justification

Within the utilitarian perspective, an action is given ethical value in accordance with its ability or intent³² to produce positive effects for a specific reference group. Honderich describes this position in the following terms:

[To] judge the balance of well-being over distress likely to be caused by each possible action or policy, and do the action or adopt the policy likely to have the best *total* – the greatest balance of well-being or the least balance of distress. Following the instruction may very often satisfy our moral convictions, but we can have no guarantee that we will not sometimes act unfairly or unjustly (...) It may be that the greatest balance of satisfaction can be secured only by way of the

³² A morally right action does not necessarily need to be the one that actually turns out best, but ‘the one which at the time would rationally have been judged as the one giving rise to the best state of affairs’. (Honderich 2003: 135)

victimising of minorities or individuals. For example, it may be that the greatest balance of satisfaction can be secured only by way of victimising of minorities or individuals. For example, it may be that the greatest balance of satisfaction in a society will be produced by certain punishments which are certainly intolerable. This will be so, roughly speaking, when the alternative to the given punishments, although it consisted in a loss of satisfaction or even a great total of dissatisfaction, would be so shared out that it was bearable to particular individuals.

(Honderich 2003: 41-42).

Honderich's interpretation forms a suitable point of departure for the discussion on whether terrorism can be morally justified or not within a utilitarian perspective. The crucial point is that '[i]t may be that the greatest balance of satisfaction can be secured only by way of the victimizing of minorities or individuals'. If we adopt this view in relation to terrorism, we can describe the utilitarian approach to justification as follows:

An act of terrorism could be justified if, and only if,

- 1) the positive effects that are being produced by the terrorist act, 'a', outweigh the negative ones,
- 2) there are no alternative routes of action that could produce a greater total of well-being. This would be the case either if action 'b' achieves the same positive effects as 'a', but produce less negative effects than 'a', or if action 'c', despite achieving less positive effects than 'a', creates less negative effects to that extent that the total effect of 'c' creates more well being than 'a'.

Are there any situations where both 1) and 2) are fulfilled? I will concentrate my discussion on one account: Honderich's justification argument in *Terrorism for humanity* (2003).

3.1.1. Honderich: Terrorism for humanity

Honderich describes *Terrorism for humanity* as a subcategory of terrorism (Honderich 2003: 107). What distinguishes this form of terrorism from terrorism in general, and therein makes it justifiable, is its connection with *the Principle of Humanity*. Therefore, I will start my presentation of Honderich's argument by clarifying this concept.

The Principle of Humanity 'derives from a conception of categories of desire fundamental to all our lives' (Honderich 2003: 6). Honderich concretises six such categories

of desire (Honderich 2003: 84-85), where the first is the most fundamental. Concerning the categories 2 – 6, there is no intention of creating a hierarchic ranking:

1. Most primary is *the desire of subsistence*, with respect both to one's own existence and other persons to whom one is closely related to (children, partner, family, etc.). To subsist, a minimum of food and shelter is required.
2. *The desire for further material goods*, referring to all material goods that exceed the necessities for subsistence, but nonetheless are important for the quality of life (a home, a reasonable environment, consumer goods, a level of safety, etc.).
3. *The desire for freedom and power*, both in the political and private (individual) meaning of the term.
4. *The desire for respect and self-respect*, meaning the ability to have a meaningful life and not feel worthless (e.g. the possibility to work or to be useful), and to be given an equal standing in terms basic rights, regardless of race, gender, class, etc.
5. *The desire of personal and wider human relationships*, ranging from intimate family-life and friendship to being a part of a community and experience fraternity.
6. *The desire for the goods of culture*, understood in the wide meaning of the term, such as knowledge, education, religion and tradition.

For Honderich, a good life is one that satisfies all these desires. I will not question whether these categories are sufficient to concretise human well-being in general or if being deprived of one or more of them necessarily implies a bad life. The crucial point for our forthcoming investigation is that Honderich considers subsistence as our most fundamental desire, and that all other desires are conditioned by the fulfilment of this desire. Objecting to the validity of this statement seems far-fetched. Even though some individuals commit suicide, it cannot be doubted that most of us desire to stay alive.

If we connect this interpretation of desires with a utilitarian perspective, the moral value of an action will rely on its aspiration (or ability) to fulfill these desires, and thereby creating human well-being for the largest amount of people within the reference group. Honderich determines this to be the entire human race. Thus, to determine the moral value of an action, one must count in the effect it would rationally be thought to have for the general level of well-being. Since subsistence is the most fundamental factor for human well-being, we get the following interpretation of ideal moral conduct: An act that aspires (or achieves) to sustain life for the maximum amount of people.

If we turn to the empirical facts of the world, Honderich finds that we are in disproportion to this ideal. The average life expectancy for someone born in Sierra Leone is 38 years, for instance, whereas people living in the US or Britain have an average lifetime of 77 years – twice as long as the Sierra Leoneans (Honderich 2003: 11). Therefore, we can talk of two kinds of human existences: *half-lives* and *full-lives*.

Thus, on the one hand we have a universal moral ideal, *the Principle of Humanity*. On the other hand have the state of the world, which contrasts with this ideal by creating half-lives and full-lives. A morally just act is one that moves the state of the world towards the ideal, creating more well-being and less unhappiness in general.

According to Honderich, the difference in lifetimes is due to material inequality: One group of people, *the better-off*, has much too much material wealth. Another group of people, *the worse-off*, has much too little – even when it comes just to staying alive. If *the better-off* was to give some of its material excess to benefit *the worse-off*, and therein assure their subsistence, this would create a greater total of well-being. This constitutes the core of Honderich's interpretation of *The Principle of Humanity*, namely 'to make well-off those who are badly off, by way of certain policies' (Honderich 2003: 100), meaning by 'policies'; to transfer means from the *better-off* to the *worse-off*. But this policy lacks sufficient support amongst *the better-off*, with the result of an ongoing misery for *the worse-off*.

The follow-up question is: What means would it be morally acceptable to use in order to change this situation? Could one go as far as employing terrorism?

Honderich starts off by examining whether there is a moral difference between letting people starve to death by ignoring the effects of material inequalities and killing people in a terrorist attack. Both of these acts produce victims. Yet, we interpret them differently: While being immensely sensitive for victims of terrorism, 'we feel less than we might about the facts of inequality, much less, simply because we are ignorant of them' (Honderich 2003: 19). Why are we ignorant to the facts of inequality? According to Honderich, the main reason is that we are alienated from its effects. We are at distance from its suffering agents. But even though 'both categories do not exist for us in the same way (...) they do both exist in the same real way' (Honderich 2003: 24). Therefore, we cannot morally differentiate between the victims on the basis of our own sentiments and experience. A dead person is a dead person, and a half-life is a half-life, regardless of what caused it.

Another suggested difference Honderich disallows is that we can consider the victims of terrorism differently because they suffer a more 'unnatural' death than the victims of starvation do: 'It surely cannot be that the 'natural' death of a child or the murder of a man

has a significantly different value in virtue of there being many or few such deaths, many or few murders' (Honderich 2003: 24-25).

According to these two statements, we can conclude in the following terms: On behalf of the victims, there is nothing that distinguishes terrorism from the facts of inequalities. Even though we experience them differently – because of closeness and distance, 'us' and 'them', or because dying from starvation is more common than being killed in a terrorist attack – this would not make a morally relevant difference concerning the severity of the deaths. They are both equally grave.

What about the actor? Is there not a moral difference between neglecting the victims of inequalities and committing an act of terrorism? This question addresses whether there is a morally relevant difference between acts (committing terrorism) and omissions (ignoring the facts of inequality). In Honderich's view 'there is in fact no entirely general difference between acts and omissions that gives rise to a differences in rightness' (Honderich 2003: 131). The reason for this is that Honderich advocates a clean-cut consequentialist approach: 'The kind or degree of intentionality of an action makes no difference to its rightness or wrongness. (...) Whatever is to be said of the agent, an act is not made right by a good intention or wrong by a bad one.' (Honderich 2003: 136). And since the consequence of dying from hunger is not essentially different from dying in a terrorist attack, as both implies that someone is being deprived from life, 'there is no relevant way in which our ordinary conduct is different from that of the terrorists, no difference which makes our conduct right and theirs wrong' (Honderich 2003: 145-46). Thus, we can conclude that in Honderich's view, committing a terrorist attack is no principally worse than being a *better-off* and ignoring the facts of inequality.

Having clarified that there is no moral difference between these acts in terms of principles, we can now turn to Honderich's argument for why terrorism for humanity is justified: If terrorist activity towards the *better-off* could provoke a change to this groups policy towards material redistribution in a way that is beneficial to the *worse-off*, many people would have been saved from starvation. Therefore, killing a few to save the many would be morally justified. But why would terrorism create such a change? Honderich's answer is that we are extremely sensitive to this specific kind of victims; '3000 were killed at the Twin Towers and the Pentagon? On that day, if deaths by starvation for 2001 were spread evenly throughout the year, 23,000 people died of hunger' (Honderich 2003: 23-24). And since we have this strong sensitivity for the victims of terrorism, this sentiment could be used a means to invoke a change in the *better-off*'s policy towards the *worse-off*, regardless of

whether this happens out of fear for more terrorist attacks or through a ‘moral awakening’ on behalf of the *better-off*. Thus, despite the sufferings and deaths caused by the terrorist attack, the act would be morally justified, as the overall situation of well-being would have been changed to the better: Less people would die from hunger, and the general level of well-being would increase.

We can sum up Honderich’s view as follows:

An act of terrorism could be justified if, and only if, it rationally might be judged to produce a change of conduct in a certain group of actors in such way that it strengthens the will to comply with *The Principle of Humanity*. This principle implies to adopt certain policies through which the material gap between *the better-off* and *the worse-off* diminishes to the extent that *the worse off* can be capable of having full-lives. In consequence this would create a greater total of well-being, despite the negative effects caused by the terrorist act.

3.1.2. Is terrorism for humanity justified?

Terrorism for humanity suggests that terrorism could be justified as a means to produce a change of conduct amongst *the better-off*, wherein they oblige to a policy that benefits *the worse off*. As an effect of the act, there will be a greater total of well-being. Thus, what is at issue here is what I have previously referred to as ‘a means-end strategy’: By victimizing one group of people (means) one can change the conduct of another group of people with the effect of increasing the totality of well-being in society at large (end). In my view, Honderich’s justification argument is based on two assumptions that need further examination. First, we need to discuss whether Honderich is right in holding that there is no difference between committing terrorism and omitting to act for changing the misery of the *worse-off*. Second, I will cast doubts on the realism behind Honderich’s claim that terrorism can succeed in changing the policies of the *better-off* in a way that they would favor a more equal material distribution.

3.1.2.1. To kill and let die

Is there not a difference between committing terrorism and omitting to change redistributive policies to end the misery of the *worse-off*? Given Honderich's view, I think this can be interpreted as a question of whether there is a difference between killing and letting die. On behalf of the victims, I think Honderich's point is not implausible. Being killed in a terrorist attack need not to be considered worse than dying from starvation. In fact, if there is a difference, it might just as well be to the deficit of the hunger death: Having the choice of being blown to pieces and starving to death, many would surely prefer the former, choosing a quick death rather than a slow one.

In relation to the juxtaposition of actors who commit terrorism and actors who ignore the facts of inequalities, I find it more difficult to comply with Honderich's approach. There are two basic reasons for this: I think 1) we do differentiate between omissions and acts when it comes to moral evaluations, and 2) there are differences in role responsibility between an omitting *better-off* and a terrorist committing an attack.

1) Principally, I agree with Honderich that omissions can be moral violations. Driving past a car accident without offering assistance would, undoubtedly, be an omission that merits moral condemnation. But when speaking of omissions, I think one would have to differentiate between those that are carried out intentionally and those that are done unintentionally. If one drove past the car accident without noticing it, this would not be as morally blameworthy as if one did take notice of it, but chose not to stop. I will argue that this difference of intentionality is an important feature to determine whether our omissions to the wretchedness of *the worse off* are equally condemnable as committing acts of terrorism, as Honderich suggests. If we consider these omissions to be fully intentional, I think it would be easier to comply with Honderich's argument that there is no significant difference between these acts and committing an act of terrorism³³. If these omissions are considered to be unintentional, however, I think his claim would be counter-intuitive. In utilitarian ethics, there is a strong tradition of striving to be in accordance with common sense. But I think most people would hold that there is a moral difference between intentionally killing someone and unintentionally omitting to save someone's life. If I am right in claiming that Honderich's juxtaposition of the two is counter-intuitive, this would be in conflict with an important feature of the ethical framework Honderich addresses.

³³ I say 'easier to comply with', as an act usually still will be considered graver than an omission. To follow up on my example: If the car accident was a result of reckless driving, the driver's conduct would have to be considered more immoral than the omission of the passer-by.

The problem is, however, that it seems difficult to provide a clear-cut answer to whether our omissions to the wretchedness of the *worse-off* are either fully intentional or unintentional. In my understanding, they are neither. Or perhaps both, meaning that the answer lies somewhere in-between: It cannot be doubted that most of us (here speaking on behalf of the *better-off*) are familiar with both the material inequalities in the world and the misery of starvation. Conceivably, many might also agree with Honderich that there is a connection between the two, by acknowledging that our own wealth is, at least to some extent, causing this situation. But this does not imply that our omission to change the facts of inequality is fully intentional. It might be considered to be thoughtless, or even reckless. But is it fully intentional? I find it dubious to claim that this is the case. If one modifies this aspect by describing it as ‘partly intentional’, it might be considered to be a more reasonable description. But then we talk of something else than an omission that is fully intentional. In my view, this makes an important difference from acts of terrorism, which can hardly be described as something else than fully intentional acts. According to Honderich’s approach, however, even if there was a difference in intentionality between the two, this will not have any impact on their moral value: ‘The kind or degree of intentionality of an action makes no difference to its rightness or wrongness.’ (Honderich 2003: 136). The reason for this being that Honderich mainly focuses on the actual effects of the actions (both acts and omissions), since the victims are being put at a morally equal footing. The motivations or intentions of the actors that execute the victimization is not considered to be a differentiating factor.

But is not this counter-intuitive? Is there not a relevant moral difference between killing someone and to neglect someone’s basic material desires with the effect of causing their death? Honderich argues that there is no difference since they boil down to the same effects for the victims. But what about the persons related to the victim? Would it not be interpreted differently if someone you loved was killed by another person, than if he or she died of hunger? Honderich’s answer is that if there is a difference, it might just as well be in disfavour of dying of hunger: ‘Would we have our children hungry for life?’ (Honderich 2003: 26). Once again, Honderich is addressing the relation we have for the sufferings of the victim, and not our antipathy towards the intentions of the perpetrator. But is it not reasonable that both of these aspects are relevant for our moral judgment, and that losing a child in starvation might bring about other sorts of feelings than if it was killed in a terrorist attack? Is it not so that our sentiments of moral condemnation towards the perpetrator of the latter act might be stronger? Honderich answers this by claiming that our sentiments are not a moral issue. The fact that we feel less anger for the former is not relevant because the

consequences are the same. For reasons mentioned above, I find it hard to comply with this view.

2) Another problem regarding Honderich's juxtaposition of terrorism and omissions to diminish the level of material inequality is whether the different roles in these sets of action are morally comparable. Generally speaking, an action consists of a multitude of roles, both in relation to the actor, the recipients (here: the victims) and the audience. Here I will be focusing only on the differences in moral commitments in relation to the actor's role.

On the one side, we have a fully intentional act of violence based on a means-end strategy. Its victims are random and their 'guilt' consists in being a part of *the better-off*. At the other, we are talking of an unwillingness to comply with certain policies of redistribution, causing wretchedness amongst *the worse off*; an omission that I think is partly intentional, at best. To what extent can these be considered as equals?

If we were to accept Honderich's claim that our material excess is causing the misery of *the worse off*, it is evident that not all individuals amongst *the better off* have the same level of responsibility for this situation. Children cannot be accounted the same degree of accountability as adults, for example. And, following Honderich's path of reasoning, 'the best off' of *the better off* might be thought to have a greater moral responsibility for the material inequalities than 'the less off' of *the better off* – a point that Honderich also recognizes (Honderich 2003: 12). So, if we were to accept that an omission of this kind can be capable of being as culpable as an act of terrorism, I think it would be necessary to have a more fine-scaled approach, distinguishing between different actors in *the better off*-group.

What kind of actor role can be thought to justify this analogy, then? In my view, the role responsibility must be of such a nature that it somehow requires positive action. But here, we cannot just address the level of intentionality. We must also count in the mere possibility to do something decisive about it, which suggests that the actor role must have a great amount of power connected to it. When talking about a complex issue as poverty, where the problem is structural, it is difficult to sort out the roles that would require positive action. One could point out certain actors, such as the leader of the World Bank or the US president, but this would certainly limit the relevance of the analogy to the extreme, making it pointless in any reasonable way. Therefore, when it comes to the actor roles of a terrorist and an omitting *better-off*, they are in no practical way analogous. Honderich might disagree with this, claiming that on behalf of the victims there is no difference in dying from hunger because of structural causes and being killed in a terrorist attack. Even though the actor of the

latter case is more ‘personified’, the consequences for the victims are nonetheless the same (see Galtung, p. 24). He might also say that we *can do* something about it, and that it is *our unwillingness to do so* that is at issue. To some extent, I would agree with Honderich on this. Saving the worse-off from dying in starvation is not practically unfeasible. Even as individual agents, there are possibilities to make some minor contribution to do something about it, like paying a certain sum to the Red Cross or to vote for political parties that support more foreign aid. But this is not to say that our omission to do so is just as grave as to carry out a terrorist act.

Now, I must admit that my criticism against Honderich’s argument in *Terrorism for Humanity* is founded on a non-consequentialist approach to ethics, focusing on intentionality and role responsibility. Therefore, it might be argued that I have failed to acknowledge the theoretical foundation for Honderich’s clean-cut consequentialist view, which puts focus on the effects of the action. I do not find it reasonable that Honderich only should be met by critique immanent to his own ethical framework, however; that he alone should set the premises for the discussion, so to speak. Having said this, it is important to underline that even when adopting a consequentialist approach to ethics, this does not necessarily imply that the intentions of the actor are morally irrelevant. Honderich also seem to acknowledge this, as he is not (only) referring to the effects of the acts when determining their value. As I have mentioned before, a morally right action does not necessarily need to be the one that turns out best, but rather ‘the one which at the time would rationally have been judged as the one giving rise to the best state of affairs’ (Honderich 2003: 135). Of course, there is an important difference between Honderich’s understanding of intentionality, as rational judgement upon the consequences of an act, and my position, which is based on the differences in intentionality and role responsibility. Nonetheless, there is, I believe, a possible overlap between these views. In utilitarian ethics, what is considered to be ‘rational’ needs not necessarily to be related only to the consequences of isolated acts. It might also consist in more generalized propositions on moral conduct, by creating binding rules and principles. Here I am addressing to the difference between act-utilitarianism and rule-utilitarianism. Whereas Honderich seems to be closer to the former, one could also adopt the latter view, claiming that terrorism can be condemned on principle grounds as it generally violates basic rules of conduct that are beneficial for the general level of well-being.

Yet, based on the possible claim of being ethically predisposed, my first objection to Honderich’s argument needs not to disallow it. Therefore, I will try to challenge his position

from a purely consequentialist angle, focusing on the possible lack of realism in his argument.

3.1.2.2. Can terrorism for humanity be successful?

It is important to emphasize that Honderich's justification argument is based on the assumption that it *can* produce a certain change of conduct within *the better-off* in a way that moves the state of the world towards *the Principle of Humanity*. It is not a question of legitimate revenge. Neither is it similar to Frantz Fanon's reasoning in *Les damnés de la terre*, where a terrorist act is considered to have a liberating effect on behalf of the oppressed. His claim is that terrorism can be justified in relation to its ability to produce a greater total of positive effects, echoing Machiavelli's claim: 'When the act accuses, the result excuses' (Machiavelli, *The Discourses I* :ix). Therefore, it seems fair to ask if there is any empirical support for this view. Is it possible that terrorism can have such an effect in real life?

One of the few patterns that has been constant in the history of terrorism (bearing in mind the differences in methods, motives and actors described by Rapoport (see pp. 16-17) is that it 'has seldom been politically effective, that it frequently brought about the opposite of what it wanted to achieve (that is to say, greater repression rather than liberation)' (Laqueur 2002: viii). This lack of empirical support does not necessarily disallow Honderich's argument in itself, however. He could claim that his position is purely hypothetical, arguing that if there was a situation where terrorism either had caused, or could rationally have been thought to cause, a general compliance with *the Principle of Humanity*, it would have been justified. Yet, in ascribing ethical value to the consequences of an act, utilitarian ethics often use empirical arguments to support their view. Accordingly, the lack of empirical support is a crucial deficit for Honderich's position. To Honderich's defence, it should be mentioned that there are also historical examples where terrorist methods have been successful, such as the creation of the state of Israel in 1948 and the toppling of the Apartheid regime in South Africa in the early 1990s. Yet, it remains dubious whether it was terrorism that created these effects and if not other aspects were more important for the outcome.

But if we, for the sake of argument, were to hold that the empirical lack of support does not necessarily refute Honderich's position, there is another problem connected to his argument. As terrorist activity has profound negative effects, it would be preferable to use other means that could reach the same positive consequences. In this respect, terrorism could be interpreted only as a last resort – a policy one should only adopt when no other means are available. Other means can both be non-violent means, i.e. protest marches, boycotts and

other forms of peaceful political revolt, and violent means that have less negative results than terrorism; i.e. sabotage actions, guerrilla warfare, and armed revolution. Let us ask then; under what circumstances might terrorism become a last resort? Wallace gives the following account:

If terrorism is to be a last resort the people or community involved must be confronted by an evil and powerful oppressor immune to moral argument, passive resistance and any form of opposition short of terrorism. So quasi-military responses such as guerrilla warfare or armed resistance must be ruled out as impossible or pointless; otherwise, they are to be preferred as morally better alternatives. But in these circumstances, how can a campaign of terrorism have any likelihood of ending the oppression?

(Wallace 1995: 310)

Wallace concludes that the chances for this to happen are ‘extremely unlikely’ (Wallace 1995: 310), given the conditions that would be necessary to argue that terrorism is indeed a last resort. The nature and power of the oppressor would make it implausible that any positive effects might come about as a result of the terrorist attacks.

Thus, if terrorism is to be considered as an efficient tactic, this conditions that the governing authorities have sensitivity for civilian casualties. In a totalitarian state, this seems unlikely to occur. Therefore, for terrorism to be an efficient tactic, it must target a democratic society. But then, one can always question whether terrorism really is a means of last resort: ‘Where terrorism is a possible strategy for the oppositional movement (in liberal and democratic states, most obviously), other strategies are also possible if the movement has some significant degree of popular support’ (Walzer 1988, in Luper-Foy (ed.): 240). What we must ask then, is whether the positive effects Honderich claims that terrorism is capable of producing, which founds the underlying rationale for his justification argument, can even be theoretically plausible. Given Wallace account, if terrorism is to be an effective strategy, it must attack a democratic society. But then, it would also be possible to use other means to reach the same end. And when it is possible to use other means, we must ask whether the terrorists would have had any chance of gaining support for their cause. On the contrary, it would probably have been counter-productive, strengthening the will not to comply with the terrorists’ demands, rather than increasing the will to take action for redistribution to benefit the *worse-off*.

3.1.3. Concluding remarks

There is an interesting scene in Albert Camus' play *Les Justes* (*The Just Assassins*) (1950), based on an actual episode in Russia early in the 20th century. A group of revolutionaries are about to assassinate Grand Duke Sergei, who has been personally involved in the suppression of political radicals. When approaching the carriage with a bomb under his coat, the assassin realizes that the Grand Duke has two small children on his lap. In consequence, he abandons the attempt to kill the Grand Duke.

This story tells us something crucial, namely that terrorism might be easier to perform when being at distance to its victims. If blowing up a time scheduled bomb, with the effect of killing two small children accidentally passing by, one can always say that one did not intend to do so. But throwing a bomb at them, with the knowledge that they will be killed, is another thing.

This points to an important problem connected to Honderich's argument in *Terrorism for Humanity*. Generally speaking, I think it suffers from one basic flaw; far-sightedness. His perspective lies in the statistics, the numbers that speak of injustice, of the *better-off* and the *worse-off*. But when approaching the moral dilemma at a closer distance, when confronted with the life stories of the victims, it does not help us much. Our vision gets blurred, unfocused, disturbed. Why? We are not numbers. We are not living as graphs in statistics. We are individuals – each and every one of us.

Actions might be performed of collective reasons; there might be grave injustices embedded in social systems that one would be justified in fighting against. Yet, when performing violent acts against this system one does not only target the system that causes this injustice. It harms people, individuals, bearers of exceptional life stories, each and every one of them being the focal points of their own life. In my view ethical theory must also say something about this side of morality. It cannot only stay at distance, pointing at the figures.

This general criticism of Honderich's ethical perspective enables us to understand why he argues that it can be morally justified to kill someone if it saves the life of others. Honderich is at distance. He sees the numbers. Yet, he fails to see the individuals, showing astonishingly insensitivity on behalf of the terrorists' victims. They remain means, a sacrifice necessary to reach a higher end. But, to quote Arthur Koestler's Rubashov in *Darkness at Noon*; 'twice two is not four when the mathematical units are human beings' (Koestler 1968: 125). There is more to ethics than just numbers.

Having said this, I do not think that Honderich's contribution is without value. Just as there is more to ethics than just numbers, there is also more to ethics than just closeness. Our ethical perspective needs both. What I think we can learn from Honderich's argument is that we all share a commitment to limit the suffering of others on the basis of human fellowship. When failing to comply with this commitment, we also share the moral blame. Here, Honderich addresses a crucial problem in ethics; namely how one should make a moral approach to the questions of structural problems that cause severe harm for a group of people. Our theoretical tools seem more suitable to grasp the actions of individuals than the actions of collectives, which I will discuss further in the forthcoming section. If one understands Honderich's argument more metaphorically (although I certainly do not think that this is his wish!), it tells us that neglecting to change our policies towards the wretchedness off *the worse off* might be just as bad as committing terrorism – an act that most of us will have strong negative moral connotations towards. This might be helpful to put our commitments in perspective. Yet, I do not agree with his 'kill some to save thousands' view. Neither do I comply with his moral juxtaposing of omnipotence and acts. It fails to grasp the nuances of intentionality that are vital when addressing the complexity connected to the question of guilt and innocence. Consequently, I do not comply with Honderich's justification argument in *Terrorism for Humanity*. It suffers from a grave lack of moral sensitivity on behalf of the victims of terrorism and a considerable debit of fine-tuning in relation to the question of guilt on behalf of the agent.

3.2. Rights-based arguments for justification

There are two important reasons for why terrorism generally gets condemned within a rights-based perspective: First of all, it violates the basic rights of its victims; most importantly the right to life or not to be harmed. Secondly, it uses a group of people as mere means for some end, an obvious violation of Kant's second maxim in *Groundwork of the Metaphysics of Morals*: 'So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means' (Kant, AK 4: 429)³⁴. But despite the fact that terrorism both violate the rights of its victims and use them as mere

³⁴ The citation is based on the standard pagination of Kant's works. Here: Vol. 4 of the Academy (AK) edition.

means, some theorists within the rights-based tradition still maintain that one has the right to perform terrorism under certain circumstances, namely in situations where the basic rights of a group of people are being gravely and systematically violated.

The question of whether terrorism can be morally justified within the rights-based tradition is related to a conflict of rights; i.e. the right not to be killed or harmed on the one hand, and the right to revolt against severe and systematic violations of basic rights on the other. In situations where both of these rights cannot be fulfilled at the same time, the question is which one we should grant superiority. Thus, our concern is related to the hierarchical structuring of rights. Therefore, let us start by clarifying that the rights-based argument for justifying terrorism does not apply to the right to commit terrorism in general. Our concern here are the exceptions from a principle, or to be more precise; when one form of rights makes it justifiable to violate other forms of rights that otherwise should not be violated. This addresses a widely discussed theme in contemporary moral philosophy, often referred to as the ‘dirty-hands’-tradition³⁵. Here, the basic idea is that there are situations where it is necessary to violate widely acknowledged moral principles, such as the immunity of non-combatants, in order to reach a morally valuable end.

It should also be specified that our present discussion will be based on non-consequentialist considerations; it asks whether there are situations where one has the right to perform terrorism. We are not addressing the utilitarian justification of terrorism, where the argument was related to the positive effects of the act. Therefore, whether the act itself brings about any positive effects is not essential – we are focusing on a principle

Previously, I have argued that terrorism is carried out for specific reasons. Terrorists have an understanding of a value – either real or imagined – that they seek to obtain, be it a just human society, homeland liberation, or the victory of the one true faith. For terrorism to be justified in a rights-based tradition, it is clear that the cause of the terrorist act must be a just one³⁶. Therefore, I will leave out any act of terrorism that has an unjust cause, such as the imposing of a religious tyranny on infidels or the creation of a fascist regime. In the following, I will examine two accounts of allegedly just causes: one is based on self-defence (Wilkins) and one is related to deprivation of basic civil rights (Held).

³⁵ Referring to Sartre’s play *Les mains sales* (‘Dirty Hands’) (1948), where the theme is whether revolutionaries can violate moral principles, which otherwise should not be violated, to further their just cause.

³⁶ Of course, I realize that what constitutes a just cause will be perspective dependent. Yet, it does not seem to be more far-fetched to use this concept in relation to terrorism than to just war theory, for example. We might agree that self-defence, for instance, is a just cause. Or, to fight against an oppressor – be it an occupying force or a system of segregation where one group of people lacks basic rights that is granted to another group of people.

In order to give the rights-based arguments for justifying terrorism the possibility of being valid, I will take two things for granted:

1. If someone are being severely oppressed and deprived of basic rights, they have the right to use violence.
2. If a political system unjustly and systematically deprives a group of people from basic rights, they would have the right to participate in organized violence or warlike activity (revolution, resistance movements, guerrilla warfare, etc.) against this political system.

3.2.1. Wilkins: Terrorism and self-defence

Would it be justifiable to perform terrorism in self-defence? To answer affirmatively to this question one condition must be taken for granted; namely that one can do violence to innocents³⁷ in self-defence. In Wilkins view, there are situations where we normally answer affirmatively to this question, such as double-effects in war. One example is the previously mentioned sabotage mission at Tinnsjøen in 1944, where 14 Norwegian civilians were killed – a regrettable, but nonetheless necessary, double-effect in order to sabotage the transport of the heavy water to Germany. Even though there are serious moral questions connected to this aspect, I will – for the sake of the argument – grant Wilkins right in that there might be situations where the killing of innocents can be justified as a self-defensive measure. The follow-up question is whether we can use the same argument in relation to terrorism, where the question is related to deliberate attacks on innocents.

Wilkins argument concentrates on a specific historic example: the Jews in Nazi Germany. In relation to the aspect of self-defence, this example needs no elaboration: Faced with the prospect of extermination and genocide, it seems obvious that the Jews in Nazi Germany had the right to defend themselves. The question we need to address, then, is if they also would have been justified in using terrorism against German civilians?

Our answer to this question is embedded in our interpretation of collective guilt (Wilkins: 19). Wilkins seeks guidance from two accounts on this issue, namely Joel Feinberg and Karl Jaspers. Here, I will concentrate only on his interpretation of the latter, quoting a rather lengthy, yet important, passage:

³⁷ Personally, I prefer ‘non-combatants’, but I will use this concept in accordance with Wilkins.

Karl Jaspers in his brilliant book, *The Question of German Guilt*, distinguished four kinds of guilt: criminal guilt, political guilt, moral guilt, and what he called 'metaphysical guilt'. According to Jaspers, criminal guilt involved the violation of national and international laws and would be determined by trials of accused individuals in courts of law, including most conspicuously the Nuremberg trials; political guilt is necessarily collective and involves the liability of the German nation, a liability which, however, does not establish moral guilt; moral guilt concerns individuals who must answer in their own conscience the question of whether they lived in moral disguise, or with false conscience, or in self-deception, or in a state of inactivity during the Hitler period; metaphysical guilt is defined as the lack of 'absolute solidarity with the human being as such' and found its expression in the feeling of guilt at being alive when one's Jewish neighbours were being taken away. Having made these distinctions, Jaspers warns against their misuse: political liability requires the German nation to make material reparations, but it does not establish moral guilt in the individual; criminal guilt, well, yes, but this affects only a few; moral guilt, here only my conscience can decide, and my conscience won't be too hard on me; metaphysical guilt, well, that's 'a crazy idea of some philosopher' – there's no such thing, or, at least as the philosopher himself admits, no one can charge me with it. Jaspers replies in part that there can be no radical separation of moral and political guilt, the reason for this being that there is no absolute division between politics and human existence: 'There is a sort of collective moral guilt in a people's way of life which I share as an individual, and from which grows political realities.'

(Wilkins: 21-22).

This passage shows that the concept of guilt is a multi-faceted phenomenon. Therefore, we should not ask whether guilt is either individual or collective – it is both. In relation to criminal guilt, it is individualised. In its political sense, it is collective³⁸. The tricky part, which is our concern here, concerns the moral interpretation of guilt, which lies somewhere in between these two: It is clear that moral guilt exceeds the reference of criminal guilt. Yet, it seems also wrong to say that all Germans were morally guilty for the atrocities committed by the Nazis. Clearly, many of them were morally culpable; those that participated in the persecution of the Jews, are obvious candidates. One should also count in those that that were active in bringing the Nazis to power; both the party members of NSDAP and the voters that put them into power in 1933 might be argued to have a collective moral guilt for the events that took place. We could also include those who were not actively initiating the birth of the Third Reich, but who were caught by the collective spirit of nationalism and anti-Semitism on a later stage. But still, given that we have reached a majority of the German population by giving these specifications, which might be questioned, there will at least be a large minority of the German people who fall outside our category of collective moral guilt. One group we surely can count out are the Germans that opposed the policy of the Nazis. Equally children and other groups not capable of opposing the Nazis' policy would have to be left out. The crucial group of which moral status we have not yet

³⁸ After the WWII, the newly established West German government acknowledged an obligation on behalf of the German people to pay \$ 715 million to Israel as a reparation for their crimes (Wilkins: 20-21).

considered are those that remained 'neutral' throughout the political shift. Those that 'do no evil, see no evil and hear no evil, or if they do hear aren't listening or dismiss what they hear as rumor?' (Wilkins 1992: 30). Was this group culpable?

This question is a tough one. One might argue, as Wilkins does, that under such extreme political conditions, it is neither permissible nor possible to stay neutral. Thus, not working against the Nazi rule would make you a passive accomplice since 'no systematic persecution of significant numbers of innocent persons can continue over long periods of time if the 'silent majority' is awakened from its lethargy or preoccupation with the details of its daily existence' (Wilkins 1992: 30). This seems also to be what Jaspers is saying in the above quoted passage when he states that 'There is a sort of collective moral guilt in a people's way of life which I share as an individual, and from which grows political realities'. Following Jaspers' and Wilkins' understanding, we can claim that this group also has moral guilt making the vast majority of German citizens morally culpable, with the exception of those who were actively fighting or were incapable of fighting against the regime. Accordingly, Wilkins' concludes that moral guilt is tightly linked to political guilt (Wilkins 1992: 25), and since the German collective is to be considered morally blameworthy, one might say that they have lost their right not to be attacked.

The persecution of the Jews by the Nazis was so heinous that, it seems to me, terrorism on the part of the Jews would have been a morally justifiable response, meeting terrorism with terrorism. What I have in mind is not terrorism thought of in terms of vengeance or even retribution but terrorism regarded as an instrument of self-defense on the part of the Jews.

(Wilkins 1992: 26)

Based on this, Wilkins' gives two conditions for when terrorism is justified:

terrorism is justified as a form of self-defense when: (1) all political and legal remedies have been exhausted or are inapplicable (as in emergencies where 'time is of the essence'); and (2) the terrorism will be directed against members of a community or group which is collectively guilty of violence aimed at those individuals who are now considering the use of terrorism as an instrument of self-defense, or at the community or group of which they are members.

(Wilkins 1992: 28)³⁹

³⁹ Wilkins also specifies that terrorism might be justified in relation to separation, dispossession or exploitation, if the wrongs in question could merit the claim of self-defence: 'there may be other acceptable moral rules which would justify the use of terrorism, for example in cases where an entire people have been dispossessed of their homeland, or where one part of a country is occupied by a foreign power which prevents its being reunited with the country of which it is historically and culturally a part, or where one economic class or one race systematically exploits another economic class or race.' (Wilkins 1992: 28)

He specifies condition (2) in three important remarks:

First, the terrorism should be limited to the members of the community which is collectively guilty of violence (...) Second, as far as possible terrorism should be confined to 'primary targets,' and where this is not possible the terrorist should pick a 'secondary target' who is as guilty or nearly guilty, in the sense of being responsible for initiating or participating in the violence which can be said to have 'started it all' and which is continuing. (...) Third, the terrorism in question should be directed initially at the perpetrators of violence and then at their accomplices in such a way as to reflect the part they played in the violence.

(Wilkins 1992: 29-30)

My disagreement with Wilkins' argument for justifying terrorism as a self-defensive measure is twofold: First of all, I think that there are problems connected to his understanding of collective guilt. Secondly, there are doubts connected to whether terrorism could be an effective self-defensive measure.

An important feature related to the moral question of guilt/innocence is that anyone is innocent from their starting point. To quote Walzer; 'the theoretical problem is not to describe how immunity is gained, but how it is lost. We are all immune to start with; our right not to be attacked is a feature of normal human relationships' (Walzer 2000: 145). Basically, one can be guilty of having done something one should not have done (active) or of not having done what one should have done (passive).

Wilkins' argument has two levels; the individual and the collective. Individually speaking, the guilt of the German people is both related to its activity and its passivity. Wilkins acknowledges that there is a difference between the individual that take active part in the wrongdoing and the individual that fails to take action against the wrongdoing in terms of individual guilt. Yet, this difference is not relevant at the collective level. Here, the Germans are collectively guilty of being a part of an active wrongdoing. Therefore, even though one might be guilty only of passivity on the individual level, one can be guilty of active wrongdoing at the collective level in, by being a member of the community that performs these morally condemnable acts:

there is such a thing as collective guilt, but (...) it is not membership in a particular community *per se* but membership in a community or group which is collectively guilty of wrongdoing that is morally relevant; to regard community membership otherwise would involve a relapse into an unacceptable barbarism.

(Wilkins 1992: 32)

My objection to Wilkins' is related to how he integrates the individual in the collective level of wrongdoing. While it is true that collective action consists of individual acts and choices, some individuals' acts and choices have more impact on the collective action than others.

Wilkins seems to imagine the collective as a subject that is performing different acts. Let us imagine this subject as a body. The body consists of different individuals – we might imagine them as cells – which have diverse functions in order to make this body functional. Some are located in its brain, some in its spinal tap, and some in its limbs, etc. Together they co-function and perform different acts. Wilkins' view suggests that when this body is guilty of wrongdoing, all of its cells are guilty of it. They act as a whole, and should be morally judged upon as a whole. But I think it is clear that some of the cells, i.e. individuals, play a more important role than other cells for the wrongdoing of the body. A cell in the brain would have more impact on the wrongdoing than a cell in the bellybutton, for instance. What I am trying to say here is that Wilkins' understanding of collective evil-doing does not acknowledge that the different individuals inside the collective do not stand at equal height in relation to the collective outcome. They have different functions and different qualifications as individuals, and accordingly; they should not share the guilt equally as individuals inside the collective. Some of them bear more responsibility for the collective acts in doing what they did or not doing what they should have done based on what role they played within their society.

Let me underline that my point here is not to return to the individual level. Rather, I attempt to understand the question of collective guilt *in relation to* the individual level, arguing that collective actions are produced by individuals, and that some individuals share more responsibility for the collective results and therefore should be ascribed more guilt for the collective outcome than other individuals. Accordingly, I would like to sustain the collective level of guilt, but at the same time distribute this unequally to the individuals that are inside the collective, based on the role they played in the German society.

One might argue that my understanding of collective guilt gets too fine-grained and that my attempt to distinguish between the different individuals in relation to the responsibility for the collective acts changes the issue of the discussion. I am aware that my attempt to build a bridge between these two levels of guilt lacks functional value. There are certainly grey areas where it is hard to determine the question of how much part of the collective guilt one should ascribe one person. Yet, this is just meant to be a thought-experiment, another way of understanding collective guilt than that proposed by Wilkins. I admit that my own interpretation has practical problems connected to it, but I think that there

are problems connected to Wilkins' understanding as well. He ends up with an 'either guilty or innocent' dichotomy, leaving little space for the neutral in-between, which I think is much too rough for an ethical analysis of a phenomenon as complex as collective guilt.

In relation to the individual level of guilt, we need to raise another question, namely whether there was a situation of free choice. Can people be considered culpable for not doing anything, when the political climate was of such a character that it would cause great risks of being caught? Participating in any oppositional movement against Nazi Germany implied taking considerable risks. Being caught would most often result in a one-way ticket to a concentration camp. It is a high price to pay and a praiseworthy sacrifice, but can we blame the ones that did not? Is it right, as Wilkins' view seems to suggest, that the neutrals were passive accomplices? I think not. If we consider this group to be culpable, would we not also have to limit the heroism of those that did fight against the Nazi-regime, with the imminent danger of having to pay the ultimate price, simply by claiming that they only did what they ought to have done?

In sum, I consider Wilkins' interpretation of guilt to be too strict, both at the individual and the collective level and this questions the moral foundation for his argument that one can be justified in performing terrorism, meaning deliberately targeting civilians.

Another problem related to Wilkins' view is concerns the efficiency of terrorist activity. Even though Wilkins' argues from a non-consequentialist position and only focuses on the Jews' rights to carry out terrorism, there remain serious doubts connected to whether such acts would have been helpful to the Jews' cause. Of course, one might disapprove with this objection claiming that it is irrelevant for the issue, as it is a consequentialist one. Yet, Wilkins' himself states a claim that at least can be interpreted as consequentialist, namely that terrorism 'might become morally appropriate and tactically necessary, as a remainder that no one is safe until the injustice in question is ended' (Wilkins 1992: 31). Here, Wilkins argues upon the tactical value of *the effects* of the terrorist attack, and not in relation to the right to perform it.

Let us suppose, for the sake of the argument, that Wilkins is right in claiming that the Jews would have been justified in using terrorism. Yet they did not. Why? Wilkins addresses this question as well, and gives the following suggestions; 1) they did not think of it; 2) they did not want to 'sink to the level of' their oppressors, 3) they feared of making matters even worse. (Wilkins 1992: 27). Subsequently, he disallows suggestion 2) and 3): 2) because it would not make them sink to the same level; they did it out of self-defence, 3) because it might indeed have done matters better, as it 'might at least have helped to focus German and

especially world attention on what was happening in Germany'. Yet, as he points out in the follow-up line: 'Even if terrorism by the Jews had done nothing to improve matters, striking out in self-defense is, I believe, a morally legitimate action on the part of anyone who has been condemned to death.' (Wilkins 1992: 27).

Here, I will only focus on Wilkins' explanation of the third suggestion. For reasons I have given earlier (3.1.3.), it remains doubtful whether Wilkins is right in claiming that terrorist on behalf of the Jews might have changed matters for the better. For a terrorist attack to be successful, a necessary condition is that the government is sensitive of civilian casualties. Yet there are doubts whether this condition is met in a totalitarian regime such as Nazi Germany. Wilkins has another suggestion, however; namely that the terrorist attack might have been helpful to 'awaken' the attention of the world. But this feature remains equally doubtful. It might just as well have turned out to be counter-productive in the sense that the Nazis could have used these acts in propagandist ways to justify their own cause.

Summing up, I do not find Wilkins' interpretation of self-defensive terrorism very fruitful. There are two reasons why I think so. First, I disagree with his understanding of collective guilt, which is the underlying premise for why he considers deliberate attacks on German civilians to be justifiable. Second, there are doubts connected to whether terrorism could have been an effective self-defensive measure in relation in the example of the German Jews, even though this is consequentialist objection that is not disallowing Wilkins' rights-based argument for justification as such.

3.2.2. Held: Terrorism and rights-violation

Virginia Held's argument has a slightly different approach than Wilkins'. She seems to agree that terrorism does indeed violate the basic rights of its victims, which Wilkins tries to avoid by claiming that the victims are guilty by being a part of a wrongdoing collective⁴⁰. Yet, she argues that the terrorists might be justified in committing these violations as a last resort if

⁴⁰ The reason why I use the term 'seems' here is that she also argues that civilians might lose their immunity. In Held's view, this especially applies to democracies, 'where citizens elect their leaders and are ultimately responsible for their government's policies, it is not clear that citizens should be exempt from the violence those policies may lead to while the members of their armed services are legitimate targets. *If* a government's policies are *unjustifiable*, and *if* political violence to resist them is *justifiable* (...) then it is not clear why the political violence should not be directed at those responsible for these policies.' (Held 2004a: 67)

they are part of a group of people that are systematically being deprived of their rights within a political system. Basically, she argues from a perspective of comparing rights-violations:

In a defective society (...) where rights are not in fact being respected, we should be able to make comparative judgments about which and whose rights violations are least justifiable. Was it more important, for instance, for blacks in South Africa to gain assurance of rights to personal safety than for white South Africans to continue to enjoy their property rights undisturbed? While blacks are denied respect for their most basic rights, it seems worse to continue these violations than to permit some comparable violations of the rights of whites participating in this denial.

(Held 2004b, in Primoratz (ed.): 70)

What this quote describes is a conflict of rights. At the one side we have the rights of the black population to gain the same social and political rights as the white population enjoys. At the other we have the rights of the white civilian population not to be attacked. How should these be weighed in relation to each other if one cannot fulfil both at the same time? Now, I am not saying that both cannot, as a matter of principle, be fulfilled at the same time. They can, of course. Therefore, the conflict of rights is only related to a specific situation, a status quo, which has been constructed by the (white) political leadership. Therefore, what the terrorists seek to obtain by their attacks is to force the political leadership to change status quo. Would this be morally acceptable?

Let us specify two situations. In the first, S_1 , the members of group A have a human right to x and they enjoy effective respect for this right in a given legal system, while the members of group B also have a human right to x , but suffer a lack of effective respect for this right. In situation S_2 , in contrast, both the members of A and the members of B have a human right to x and they enjoy effective respect for that right. Obviously S_2 is a morally better situation than S_1 . It is the process of getting S_1 to S_2 that is in question.

(Held 2004b, in Primoratz (ed.): 72)

As Held has specified, our concern is related to what kinds of acts we would consider justifiable in relation to change S_1 to S_2 . Held starts out by emphasizing that non-violent methods are morally superior to violent methods. Yet, if these non-violent methods turn out unsuccessful, as well as other violent methods that are morally preferable to terrorism, such as armed resistance, sabotage, etc., would the black population be justified in using terrorism as a last resort? Held argues as follows: 'Alternative 1 is to maintain S_1 and refrain from terrorism; alternative 2 is to employ terrorism and to achieve S_2 . Both alternatives involve rights violations. The questions are: Can they be compared and can either be found to be less unjustifiable?' (Held 2004b, in Primoratz (ed.): 74). Held's argument is connected to the proposition that the terrorist act 'is likely to achieve S_2 (...) and that no other means can do so' (Held 2004b, in Primoratz (ed.): 74). She concludes that, given these circumstances, 'on

grounds of justice, it is better to equalize rights violations in a transition to bring an end to rights violations than it is to subject a given group that has already suffered extensive rights violations to continued such violations, if the degree of severity of the two violations is similar' (Held 2004b, in Primoratz (ed.): 74–75). In consequence; 'terrorism cannot necessarily be ruled out as unjustifiable on a rights-based analysis, any more than it can on a consequentialist one' (Held 2004b, in Primoratz (ed.): 76).

I find Held's argument stronger than Wilkins'. There are two reasons for this. First of all, she grants that the victims of terrorism are subjects to rights-violations. Accordingly, she stays clear of the difficulties of collective guilt, which I have discussed above. Secondly, the example she makes use of in her argument, the black community in South Africa, gives her argument an empirical strength that Wilkins' example of the Jewish Germans lacks. The ANC did perform sabotage on industrial installations, oil refineries, communications, etc., political assassination and attacks on the administrative organs, police stations and military targets, through its military wing, MK (Umkhonto We Sizwe), especially during the 1970s and early 1980s. And even though these acts are somewhat in the periphery of my own definition (we might call it 'soft' terrorism, as Wallace does (see p. 47, footnote 31), they also carried out explosions in city centres and public areas, and attacks on white farmers and blacks that assisted the white government; acts which clearly would fall inside my definition (Thackrah 2004: 246–248). Therefore, Held's example both includes terrorism and what I have referred to as 'violent methods that are morally preferable to terrorism'. In addition to this, the black community's fight against the Apartheid regime did result in a change to the benefit of the black population. Beginning in 1990, with the release of Nelson Mandela, who had been imprisoned for 30 years, and eventually the end of the Apartheid regime when the first genuine elections were held in 1994 and Mandela was elected president. Thus, the South African case is indeed a suitable litmus test for Held's argument.

So, should we conclude that Held is right in her claim that terrorism could be considered justified under the given conditions? Although I am more sympathetic to Held's argument than to that of Wilkins, I have two objections. First, one might question whether the ANC could have gained the same result only by the use of sabotage, guerrilla warfare, assassination, etc. – that is; violent actions that are not deliberately aimed at the civilian population. Even though the use of terrorism was a part of the ANC's struggle against the Apartheid regime, it is not given that this policy was decisive for the outcome. One might also point at other factors, such as the immense pressure the international community put on the Apartheid regime to end their policy, through diplomatic and economic sanctions.

Second, if terrorism was indeed a decisive factor for the outcome in South Africa, there are also many examples where the use of terrorism to end rights violations has turned out to be counter-productive. Therefore, one might ask whether Held's example is more the exception than the rule.

3.2.3. Concluding remarks

What is it that makes terrorism so morally repugnant? As I have already pointed out, a primary reason is its failure to discriminate between the innocent and the guilty, and its failing to grant immunity to the former. The deliberate targeting of non-combatants, people we would normally grant immunity for being attacked, leaves a heavy burden of moral justifiability on the perpetrator. Yasser Arafat has once suggested that 'no degree of oppression and no level of desperation can ever justify the killing of innocent civilians' (Coady 2004b: 39).

In this chapter I have considered two accounts of grave violations of basic rights; the black community under the Apartheid regime in South Africa and the Jewish community in Nazi Germany. Both have one thing in common, namely that they are deprived of human dignity and rights because of their race. The justice of their cause is undeniable. There is also no doubt that there is a collective reason for their misery; anti-Semite and racist feelings that were not only deeply embedded in the leadership of the social systems but also in the minds of many ordinary citizens of Nazi Germany and Apartheid South Africa. Why should one not be able to commit terrorism against these people, bearing in mind their collective guilt?

Although I consider this moral dilemma to be extremely challenging, I will still claim that terrorism cannot argumentatively be justified, even when performed in these extremely unjust social situations. There are four reasons for this:

- Even though a society might have a collective guilt for grave atrocities, there would always be many individuals within this society that cannot be held sufficiently accountable for these atrocities. When committing a terrorist attack, one can never know whether one harms the innocent or the guilty.
- The terrorists have no crystal ball that enables them to foresee the effects of their actions. There remain serious doubts as to whether terrorism is an effective strategy to end the misery of the group whose rights have been violated. Often, the outcome is

counter-productive, creating an even graver situation for the people the terrorists are acting on behalf of. Therefore, one should use other means to end the deprivation.

- One can always ask whether the aspect of last resort is fulfilled. Quoting Walzer: 'It is not so easy to reach the 'last resort.' To get there, one must indeed try everything (which is a lot of things) and not just once' (Walzer 1988, in Luper-Foy (ed.): 239).
- If we dispel the general condemnation of terrorism and grant someone right to perform it in some cases, we have broken a demarcation line. The moral absolute makes an important and unbreakable limit. By opening up for the exceptions, we might be facing slippery slope problems.

Having said this, I find it important to clarify that even though I consider terrorism to be principally unjustifiable, this does not necessarily mean that I consider the grounds for the acts to be unjust. In just war theory, which I will discuss in the forthcoming chapter, there is a distinction between *jus ad bellum*, which refers to the justifiability of the cause of the war, and *jus in bello*, which is related to whether wars are fought in just or unjust manners. A war might be fought for a just cause, but in an unjust manner. In relation to terrorism, I think one should reason equally; one must differentiate between the acts that are performed for a given cause and the cause itself. Accordingly, even though someone performs terrorist acts, we should grant their cause the possibility of being just. What we need to do, then, is to examine, whether the demands of the dissatisfied, i.e. the terrorists, are morally just or not. If they are, we must ask if the lack of complying with these demands is morally defensible. Another question we should also ask ourselves is why someone would indulge in terrorist methods. Leila Khaled commented the rationale behind the Palestinian hijackings in the 1970s, of which she had been an active part of in, as follows: 'Before we were dealt with as refugees. We yelled and screamed, but the whole world answered with more tents and did nothing.' (Held 2004a: 69). Have the terrorists tried other means without being granted attention? Why would they not use non-violent measures to front their cause? Is there a flaw in our own political system that needs to be improved? Here, I will leave these questions open, but I will have more to say about this in my conclusion in part 4.

3.3. Analogy arguments for justification

The third kind of justification arguments I will consider draw analogies between war and terrorism, claiming that terrorism is not worse than war, or certain acts of war, and when justifying one we should also justify the other, as a matter of consistency.

3.3.1. Terrorism and war

The *orthodox view* is that war can sometimes be justified, while terrorism is always condemnable. Basically, there are two views that oppose this opinion. One is the *pacifist view*, which claims that both war and terrorism are condemnable as both involve the use of violence. The other, which I will refer to as the *analogy view*, claims that terrorism is no worse than war, and accordingly; if war is considered justifiable, so is terrorism.

The analogy view takes two basic forms. One draws the analogy between terrorism and war in general. I will name this the *general analogy view* (e.g. Trotsky, in Primoratz (ed.) 2004: 40, and Held 2004a: 68). The other limits the analogy to specific acts of war, namely those that deliberately target civilians. I will refer to this as the *limited analogy view* (e.g. Coady, in Primoratz (ed.) 2004: 8, and Primoratz 2004: xx). First, let us consider how the general analogy position opposes the orthodox position.

In the orthodox view there is one crucial factor that morally distinguishes war from terrorism. Embedded in the ethics of war, there is a longstanding tradition in favour of non-combatant immunity. Even though most wars have non-combatant casualties, they are typically referred to as collateral damage, double-effect or unintended consequences. Any policy of deliberately targeting non-combatants, as terrorists do, would be a violation of the ethics of war, worthy of condemnation and legal punishment. Therefore, the orthodox view suggests that there is an important moral difference between terrorism and war.

The general analogy view (in addition to the pacifist) meets this claim by pointing at the hard realities of war. Even though there might be a distinction in deliberateness between the killing of non-combatants in terrorism and war, this is not sufficient for claiming that there is a moral difference between the two. The effect on the victims is the same and historically, the number of civilians killed in terrorist attacks remains modest in comparison with the multitude that have been killed in war. During the 20th century, it has been estimated

that war related killings exceeded 105 million people, including 62 million civilian victims (Steger 2003: xiii). And with the development of modern warfare, there has been an increased tendency of killing non-combatants. In WWI only 5 % of the casualties were civilians, in recent wars the civilian proportion has risen to 80 % (Pérez de Cuéllar & Cho 1999. vol. V: 330). Another important point is that modern warfare is not only fought on the battlefield. It is most crucial to compromise the opponent's ability to wage war by draining its economy and resources, not only affecting its war waging ability but also its civilian population, lacking food supplies, medicines and other necessities. Accordingly, if our concern is to save the lives of non-combatants, it would be much more productive to condemn war than terrorism. When failing to do so, the orthodox view is based on double standards; it uses one moral argument in relation to terrorism, but fails to recognize that the same moral argument also would disallow war in general.

The orthodox view has an answer to this objection, however: There is no doubt that war has caused unbearable suffering throughout history, both to combatants and non-combatants. In an ideal world, there would be no wars. Yet, our world is not ideal; war and hostilities have been part of the history of mankind. Therefore, we must differentiate between wars. Some are carried out in situations where the alternative of not raising arms would be much worse. One such example being the allied war against Nazi Germany. Even though the humanitarian costs were both grave and massive, resigning to Nazi lead European dominance would have been much worse – plausibly creating more human suffering than the war did.

Even though there are many more things to be said in relation to both the pacifist view and the general analogy view, I choose not to push this discussion any further. For the sake of the argument, I will accept the orthodox view that war can sometimes be justified, and that this perspective does not conflict with a general condemnation of terrorism. Therefore, let us narrow the scope of our investigation only to the limited analogy view, the one that focuses on acts of war that deliberately target non-combatants.

Let me start by giving some preliminary clarifications on the features that distinguish a just war from an unjust one. In the just war tradition this is concretised in two sets of principles: *Jus ad bellum* principles, that concern the conditions under which war can be justified. By contrast, *jus in bello* principles are related to how warfare should be conducted in order to be morally acceptable.

Jus ad bellum commonly consists in the following five conditions: War should

- be declared and waged by a legitimate authority.

- be waged for a just cause.
- be a last resort.
- have a reasonable prospect of being successful.
- use a level of violence that is proportional to the wrong it is resisting.

In *jus in bello* there are primarily two governing principles:

- *The principle of discrimination*, which limits both the kind of violence one might make use of and what targets can be legitimate.
- *The principle of proportionality*, that specifies that the defensive measures one makes use of should be proportionate, i.e. not inflicting more damage, than the original offense it is responding to.

How does the deliberate targeting of non-combatants relate to these principles? Most importantly, it violates the principle of discrimination, where a crucial feature is that non-combatants should merit immunity from deliberate attacks. The usual way of defending the death of non-combatants – here I am addressing only the non-deliberate deaths – is to point at the principle of double effect, ‘as a foreseen, but unintended side effect of an otherwise legitimate act of war’ (Coady 2004d, in Coady & O’Keefe (eds.): 14). The rationale behind this principle is that it would have been impossible to engage in any activity of war, including the ones we consider justified, if soldiers cannot in any circumstances put the lives of non-combatants at risk. If we adopt an absolutist approach to the non-combatant immunity principle, in most circumstances we would have to take a pacifist approach, as no such war can be fought – at least not in the way they are fought today.

Yet, the analogy does not concern deaths of non-combatants as such, but only the deliberate targeting of non-combatants in war. Should this be labeled terrorism? In part 2 I left this question unanswered. As I mentioned, there are obvious similarities between these acts. Yet, there are also dissimilarities. The question is, then, if the dissimilarities are big enough to outweigh the similarities, making it possible to distinguish the two sets of actions from each other? Some theorists, such as Walzer⁴¹, obviously think that they are big enough, where he claims that the deliberate targeting of non-combatants in war can be justified in supreme emergency (Walzer 2000: 254), while ‘every act of terrorism is a wrongful act’ (Walzer 1988, in Luper-Foy (ed.): 238). In order to grant Walzer’s claim validity, we have to

⁴¹This view has also been endorsed by Rawls (Rawls 1999: 565–572).

point to a specific feature that makes a relevant moral difference between the two. If there is no such relevant moral difference, there is no reason for claiming that one set of acts can be justified while the other cannot. Accordingly, we have a case of double standards: Two actions that are morally indifferent from each other are judged differently in terms of justifiability. As a matter of consistency, both kinds of actions should be considered unjustifiable or justifiable.

As I have already said, the deliberate targeting of non-combatants is a violation of the ethics of war. Why does Walzer consider it to be justified, then? In order to explain Walzer's argument, we have to make some initial clarifications on the relationship between the two sets of principles that govern the just war tradition. In Walzer's words, the *jus ad bellum* and *jus in bello* principles are 'logically independent' (Walzer 2000: 21). This means that we can sketch four basic possibilities in relation to the justifiability and unjustifiability of wars. When both the *jus ad bellum* and the *jus in bello* principles are fulfilled, the war is clearly a just one. When both the *jus ad bellum* and the *jus in bello* principles are violated, the war is an unjust one. The tricky part is the remaining two possibilities, namely when *jus ad bellum* is violated, but *jus in bello* is fulfilled, and when *jus ad bellum* is fulfilled, but *jus in bello* is violated. Our concern here will be only the latter kind of situations.

I take Walzer's view to imply that the *jus ad bellum* principles are somewhat superior to the *jus in bello* principles. This means that strong *jus ad bellum* arguments can outweigh violations of *jus in bello* principles in cases of *supreme emergency*. But what is supreme emergency? There are two criteria that need to be met in order to claim supreme emergency; there must be an imminent danger of defeat and the consequences of this defeat must threaten the very existence of a community. If either of the above is limited, there is no supreme emergency (Walzer 2000: 252).

Now, before I elaborate Walzer's view any further, it should be mentioned that this is a controversial claim within the just war tradition. Most just war theorists consider the principle of non-combatant immunity an absolute moral prohibition, no matter how strong the *ad bellum* principles might be (Coady 2004b: 58). Yet, my purpose here is to try to draw an analogy from Walzer's justification of deliberate targeting of non-combatants in war in supreme emergency to terrorism. To do this, I will try to do three things: First, I will strive to make Walzer's point as strong as I can. Second, I will discuss whether there is an analogy between Walzer's interpretation of deliberate killing of non-combatants and terrorism, as the limited analogy view suggests. Third, I will discuss whether I think Walzer is right in his claim that the deliberate bombing of non-combatants can be justified. If I grant him right, and

if the limited analogy view proves to be valid, we can conclude that terrorism can be justified as a matter of ethical consistency.

3.3.2. Drawing an analogy

Walzer's justification argument for the deliberate bombing of non-combatants has a specific historical point of departure, namely the British bombing of German cities in late 1940. First, I will give a brief summary of the historical background for this policy:

The British army had been forced to quit mainland Europe at Dunkirk. The invasion of Britain was still a possibility. (...) German submarines were destroying large numbers of Allied ships, threatened food and military supply lines. So acute were these difficulties at sea that Churchill thought the Navy might actually lose the war. If Britain was to avoid defeat and eventually have a chance of winning the war, the onus was on the Air Force to play the leading role.

However, it was not well placed to do so. The number and types of bombers available to it were such that the raids had to be undertaken at night; by day German fighters had little difficulty in destroying them. But such raids proved largely ineffective because of deficiencies in nocturnal navigation and bomb-aiming systems. (...) If Bomber Command was to hit targets they would have to be very big targets. (...) In the circumstances, if Bomber Command was to be relied on to do any damage the target would normally have to be a German town.

The decision to adopt a policy of area bombing was in part, therefore, the result of the very restricted range of military possibilities open to Britain in 1940-41. It was a last resort in desperate circumstances. There were also other important factors at work. At the time the Luftwaffe was causing considerable damage to British towns (...) and the targeting of German cities came to be seen as the best way of reducing the morale and will of the German people. Area bombing became Bomber Command's priority.

(Wallace 1989: 5)

Now, considering this interpretation of the historical setting, were the British justified in their decision to bomb German cities, with the inevitable effect of deliberately attacking non-combatants? Clearly, this would be a violation of *jus in bello*. Therefore, for Walzer to be right in his claim that the British were justified in their decision, there would have had to be a case of supreme emergency. As I mentioned above, two important conditions must be met in order to make this claim. First, the opposing danger of defeat must be imminent. Second, the consequences of this defeat must be disastrous for own population. Walzer is obviously right on the latter. If there has been any historical example this condition can apply to, Nazi Germany in 1940 would be an obvious candidate.

What is left to consider, then, is whether the threat was an imminent one. This criterion seems to be met by the description Wallace gives in the above cited passage: First of all, Nazi Germany was on the offensive and Britain was facing a possible invasion. In

addition, the Luftwaffe performed regular bombing raids on British towns, causing severe harm on British non-combatants. Secondly, the military means the British had at their disposal to confront the German war machine were severely limited. Based on these assumptions, it does not seem unreasonable to claim that the situation the British found themselves in was one of imminent threat. There is more to be said on this issue later, but at this point of the argument, we can sum up Walzer's view in the following way: The importance of combating Nazism was so crucial that the British were justified in using any possible means – even those implying violations of *jus in bello* principles, such as the deliberate killing of non-combatants, as a last resort.

Here, I find it necessary to clarify an important feature of Walzer's argument. He strictly underlines that his justification argument only applies to the early stages of the war. The reason is that the supreme emergency had passed by mid 1942 (Walzer 2000: 261). At this stage, the US had entered the war, strategic bombing in daylight was technically feasible, Germany was in retreat, and there was no immanent danger of invasion. According to Walzer, the arguments for bombing German cities between 1942 and 1945 had become utilitarian in character⁴². It was based on the assumption that in order to end the war sooner, and minimize the sufferings it caused on people in general, killing a limited amount of civilians through air campaigns on cities was justifiable (Walzer 2000: 261). But these arguments are not strong enough to legitimise deliberate bombing of non-combatants: 'The greater number by far of the German civilians killed by terror bombing were killed without moral (and probably also without military) reason' (Walzer 2000: 261). Therefore, Walzer's justification argument is not addressing to the bombings of Dresden in 1945, where 100,000 people were killed, or the bombings of Hamburg and Berlin, which, in Walzer's words, were 'attacked simply for the sake of terror' (Walzer 2000: 261).

In relation to our question of whether there is an analogy between the deliberate targeting of non-combatants and terrorism, this statement is well worth noting. On the one hand, Walzer labels the deliberate bombings of non-combatants in the later stage of the war as terrorism⁴³. Yet, he obviously does not consider the same acts performed in the early stages of the war to be terrorism, as these are considered justified. And since Walzer claims that 'every act of terrorism is a wrongful act' (Walzer 1988, in Luper-Foy (ed.): 238), it

⁴² To illustrate this claim, consider Churchill's words for justifying the nuclear bombings of Hiroshima and Nagasaki: 'To avert a vast, indefinite butchery ... at the cost of a few explosions.' (Walzer 2000: 266-267).

⁴³ Walzer uses the word 'terror', and not 'terrorism', in the quote. Therefore, I would like to specify, that he uses the word 'terrorism' designate the city bombings at another point: 'there is no way for the bombers to search out the right people. And for all the others, terrorism only reiterates the tyranny that the Nazis had already established.' (Walzer 2000: 260-261)

follows that he must consider them to be something else than terrorism. This needs further examination. How can it be that Walzer designates exactly the same acts differently in relation to whether they were performed early or late in the war (mid 1942 being the demarcation line)?

The only explanation I can think of is that Walzer has made the assumption that since the bombings in the early stages of the war were justified, they cannot be terrorism. This brings us back to the first of the methodological pitfalls I mentioned in my introduction, where the normative aspects and the descriptive aspects are confused, with the effect of describing terrorism as something unjustifiable in itself. As I pointed out earlier, I disagree with this understanding, and given my own interpretation of how terrorism should be defined, i.e. in leaving out the moral assessments, it seems clear that we can indeed draw the analogy. Yet, for the purpose of argument, I will try to show that even when adopting Walzer's view, it is possible to make an analogy. Here, I will only concentrate on the moral assessments between deliberate bombings of non-combatants and terrorism.

3.3.2.1. The moral analogy

Let us suppose that a community finds itself in an equally grave circumstance as the British were in late 1940. Certainly, this is not unthinkable. One might, for instance, argue that the Jewish community was in such a situation in the late 1930s and early 1940s in Nazi Germany. Could they have been justified in adopting terrorism?

I have considered this example before, but our object here is different. In part 3.2., the question was whether these acts could be justified in relation to a rights-based discussion. Here, my subject is whether two kinds of actions, namely the deliberate bombings of German cities in the early stages of the war and a hypothetical example of Jewish terrorists, are morally analogues. If they are, both should be considered justified as a matter of consistency.

Walzer's view suggests that there is viable ethical difference between terrorism and the British bombing of German cities. What might this difference be, then? If we go back to the just war principles I have mentioned above, I think it is clear that the actions we consider do not differ in relation to the *jus in bello* principles. Both imply the deliberate targeting of civilians, and in relation to the principle of proportionality, the supposed Jewish terrorists would certainly not be violating this principle more than the British did. Therefore, if there is a difference, it must be related to the *ad bellum* principles. In my view, there is no relevant difference in relation to whether the cause was just (they were fighting the same enemy) or whether the violence was proportional (the Jewish terrorists facing genocide and systematic

persecution). Therefore, if there is a difference between the two examples, it must be embedded in one of the other three principles; legitimate authority; last resort and prospects of being successful.

The question of legitimate authority

The most obvious difference between the hypothetical Jewish terrorists and the British bombing campaign is that the former lacks a legitimate authority. As I have clarified earlier (see chapter 3.2.), I do not think the right to use violence for political purposes should only apply to state actors. This would imply that all kinds of warlike activity that was not officially backed by a state actor, such as resistance movements, partisan activity and guerrilla warfare, would be considered illegitimate *per se*. For example, if a liberation group was fighting a ruthless despot without any popular support, both in compliance with *jus ad bellum*⁴⁴ and *jus in bello* principles, it would indeed seem awkward if we disallowed the justifiability of this war by pointing at the lack of a legitimate authority, here understood as a state actor. Therefore, I hold that wars or warlike activities need not necessarily be connected to state actors to be just. And accordingly, it will not make a moral difference whether the deliberate targeting of non-combatants is performed by state or non-state actors.

Coady has argued that there is a ‘pro-state bias’ built into Walzer’s claim that area bombing and terrorism cannot be considered analogues (Coady 2004c: 782). There are clear indications in Walzer’s text that suggests that he is right: ‘Can soldiers and statesmen override the rights of innocent people for the sake of their own political community? I am inclined to answer this question affirmatively, though not without hesitation and worry (...) communities, in emergencies, seem to have different and larger prerogatives.’ (Walzer 2000: 254). I take it for granted that Walzer is not talking about any political community in this respect, but that he is referring to situations of supreme emergency where one political community is superior to another in terms of basic values, such as the British democracy versus the Nazi Germany dictatorship in WWII. Yet, I am not convinced that this makes a difference when it comes to justifying area bombing. It certainly cannot be that we should comply with Max Weber’s famous dictum of the state’s monopoly over the legitimate use of violence on this question. One thing is legitimacy; another is the question of being morally just and unjust.

⁴⁴ With the possible exception of legitimate authority.

The question of last resort

The next question is whether non-state actors can perform violent acts that violate *jus in bello* principles, such as terrorism, on the basis of supreme emergency. Following Walzer, this supposes an imminent danger of a disastrous outcome. Compared with the situation of the British, it would be absurd if the Jewish population of Germany, who were facing a political policy of extermination, were not to be granted the same degree of imminent and disastrous threat⁴⁵. The question of state or non-state actors does not make a difference on this matter. Therefore, I agree with Coady that '[w]e should conclude that the attempt to restrict the supreme emergency exemption to states is unpersuasive. Either it applies more generally or it does not apply at all.' (Coady 2004c: 787). Accordingly, I do not think that there is any difference between the British and the Jewish community in relation to the issue of supreme emergency.

The question of prospects of being successful

The last question is related to whether terrorism could have had any chance of being successful in the case of the Jewish terrorists. As I have already pointed out in part 3.1., there are serious doubts connected to whether terrorism has the ability to generate positive effects against totalitarian regimes. It is hard to see how the hypothetical Jewish terrorists in Nazi-Germany could be an exception on this matter; retaliation, mass deportations and violent countermeasures would most likely have been the outcome. As Wallace has pointed out: If terrorism is to be an effective tactic, it is necessary that the oppressor it targets does not feel indifferent toward the victims. In a totalitarian state, this seems unlikely to occur.

But why should this aspect only apply to terrorism? The area bombing of the British was directed against exactly the same totalitarian state. Why would Wallace's point not apply to these acts? It cannot be the aspect of being indifferent toward the victims, as this would apply equally to both terrorism and area bombing. Therefore, there must be other reasons for why the prospects of success can be considered bigger for the latter kinds of acts than the former.

First of all, the aerial bombing campaign against German cities caused serious destruction to German society – the scale of the attacks would clearly be different from any

⁴⁵ Coady has argued that 'Palestinian resistance groups, for example, can mount a strong case that they face a hostile power bent upon subordination and dispossession to a degree that threatens not only their lives but their way of life. The danger is clearly imminent and many of the militants would argue that terrorism is the only means overcoming it.' (Coady 2004c: 783).

sporadic act of terrorism. To put it bluntly: the hypothetical Jewish terrorism might not have been destructive enough and killed enough people to have the same effect as the area bombing. But if the capability of massive destruction is the sole difference between area bombing and terrorism, it would certainly be absurd to claim that this is what makes one morally justified and not the other. Yet there is more to be said on this issue, for there remains serious doubt as to whether the bombings of German cities really had any impact on the German war-waging ability. The British Bombing Survey United, established after the war to study the military effectiveness of the area offensive, concluded that '[t]here is no evidence that they [i.e. town area attacks] caused any serious break in the morale of the population as a whole' (Quoted in Garrett 2004, in Primoratz (ed.): 153, my specification in brackets). And even though one might argue that this assessment is made after the fact, and that the strategy seemed as a workable strategy for the British at the time, the same argument could have been applied for the hypothetical Jewish terrorists: It could have seemed like a workable strategy at the time. Accordingly, one might argue that neither the supposed terrorist acts nor the area bombing differ on this matter.

In my view, the sole factor distinguishing the two sets of acts is the possibility of violent retaliations in the aftermath of the attacks. As mentioned, the hypothetical Jewish terrorism would most probably have been counter-productive, creating an even worse situation for the Jewish community. In the case of the British city bombings, the chances of retaliation were not as imminent. But if this aspect is the sole differentiating feature between the two sets of actions, would it be right to grant one of them justifiability, and not the other? I think not. Bearing in mind that there is no evidence that the attacks actually caused any break in the morale of the German population, what we are left with is the British possibility to bomb without fearing grave retaliation measures.

3.3.2.2. Was the area bombing justified?

As I have argued above, I think that there is no relevant distinguishing factor between the area bombing of the British in WWII and terrorism. Therefore, I will grant the limited analogy view validity. The next question we need to address is whether Walzer is right in claiming that the British were indeed justified in bombing German cities in late 1940. If we agree with this claim, I think terrorism should be acknowledged with the same degree of justifiability, as a matter of consistency.

Basically there are three aspects we need to discuss. First, was there indeed a danger of imminent defeat? Second, was area bombing a last resort? Third, were other motives than supreme emergency crucial for the decision?

Was there a danger of imminent defeat for the British in late 1940? Stephen A. Garrett has argued that if there ever was a supreme emergency, it peaked in the summer of 1940, after the British had to quit continental Europe at Dunkirk in great haste, leaving most of their equipment behind. In consequence, only two fully armed divisions remained to resist a German attack (Garrett 2004, in Primoratz (ed.): 149). According to Garrett, after 15. September 1940, when Fighter Command inflicted heavy losses on the *Luftwaffe* and, in practical terms, won the war of the skies, the threat of a German invasion had passed. Shortly after, Hitler suspended the plans for an invasion, focusing his efforts on the Eastern front. Therefore, there are historical doubts connected to Walzer's claim of an imminent threat of a German invasion. One should also bear in mind that Walzer holds mid-1942 to be the crucial demarcation line for when the British case for supreme emergency ended. There are two events in the beginning of December 1941 that dramatically changed the situation in the war that makes this claim doubtful. First, the *Wehrmacht* suffered its first major defeat on the Eastern Front, when the Soviet Union launched its first massive counteroffensive. Second, the US entered the war after the bombings of Pearl Harbor (Garrett 2004, in Primoratz (ed.): 150).

Was area bombing a last resort? As I have already noted, it remains unclear whether the area bombing had any importance on the outcome of the war (Coady 2004c: 782). This casts retrospective doubts on the legitimacy of these acts; they caused serious harm to German non-combatants, but arguably little harm to the German war machine. Many military experts believe that the war might have ended sooner if the British air power had concentrated on other targets, such as oil refineries (Walzer 2000: 258).

If there was no supreme emergency in late 1940, either in relation to lack of imminence or last resort, Walzer's justification claim is severely weakened. Yet, it might be argued that this retrospective doubt on whether there was a supreme emergency is irrelevant for the moral question. It is easy to be wise after the event, but at the time the British Supreme Command had to make their decision on whether to bomb German cities or not, it might have been considered necessary, bearing in mind the extreme conditions they were facing. Therefore, let us – for the sake of the argument – accept that the 'wise after the event'-doubts of whether there was a supreme emergency cannot refute Walzer's claim of

justification in itself. But there are also additional aspects to consider, namely that there were other motives than supreme emergency that were more crucial for the decision.

The justification argument is based on the presumption that the bombing policy would have a demoralising effect on the German people, creating a war fatigue that would have a negative impact on the Third Reich's war-waging ability. As I have already mentioned, the prospects of getting such a result were unrealistic. Being one of the clearest examples of a totalitarian state in history, Nazi Germany seemed far from having the sensitivity for civilian sufferings that would have been necessary for this tactic to be successful. Therefore, one might ask whether Walzer is right in claiming that this really was the underlying reason for deciding to bomb German cities. It certainly would not seem improbable that there could have been other motives lying behind, such as a reprisal for the German bombing of British cities. In international law one differentiates between two forms of retaliation; deterrent and punitive. Only the former of these is admitted. In the following, I will argue that the British decision was of the punitive kind. In a radio broadcast in 1941, for instance, Churchill said that they were giving 'the German people taste and gulp each month a sharper dose of the miseries they have showered upon mankind' (Walzer 2000: 256). The fact that the British continued their air attacks on German cities throughout the war might easily be taken for an indictment for this. In fact, 'by early 1942 aiming at military or industrial targets was barred' (Walzer 2000: 255-256). What we must ask then is whether the possible retaliatory aspect could serve as a justifying factor on behalf of the British Supreme Command. In a nutshell; do two wrongs make a right? I think not, and my hunch is that Walzer agrees with me at this point. Whatever answer one would like to give to this question, however, it is clear that this is not equal to the claim of collective self defence.

To sum up, then: Was the British decision to bomb German cities justified? I think there are many reasons for claiming that it was not: First of all, there were other options, such as bombing oil facilities. Secondly, there remains serious doubt of whether the city bombings had any military importance for the outcome of the war. Thirdly, there are strong reasons for suspecting that collective self-preservation was not the only motive, or even the most important motive, for the decision of the British. We might just as well point at other incentives, such as punitive reprisal for German bomb attacks on British cities. Fourthly, one might argue that the British decision might just as well have been counter-productive, creating increased support for the Nazi Party within the German population and not the war fatigue they presumably hoped for. Fifthly, if the British had decided not to bomb German

cities, they would have made a strong moral statement on what differentiates democratic values from totalitarian ones, leaving an important footprint for the conduct of war.

For my own part, the deliberate killing of non-combatants should be considered a moral absolute. Whether there can be exemptions to this claim, under the pretence of supreme emergency, seems to be extremely unlikely. In my view, the situation of the British in late 1940, perhaps the strongest case for supreme emergency in modern history, did not outweigh the moral absolute for the above mentioned reasons. I admit that my argument relies on hypothetical claims. We do not know if the outcome of the war would have been otherwise if the British had decided not to bomb German cities. Yet, Walzer's argument for justification is equally hypothetical. We do not know whether the outcome of the war would have been any different if the British had decided not to bomb German cities neither.

But, if we suppose that area bombing was the only response the British actually had as an option and that if they had not done it, the Germans would have succeeded both in invading England and in winning the war, would the British have been justified in bombing German cities? I am inclined to answer yes to this question, even though I must say that I am extremely uneasy with it. Does this mean I am giving a case for supreme emergency? My answer – even though I realize that this might seem self-contradictory – is negative. The reason is that I think one would have to differentiate between two sets of argumentation. The first is retrospective, granting an act moral rightness in relation to its effects. The second is related to the position of the decision-maker, balancing the pros and cons for whether one should act in one way or the other.

Starting off with the latter, in order to be justified in deliberately killing non-combatants under the pretence of supreme emergency, it should follow that the agent has an absolute certainty that there really is a case of supreme emergency. This would imply: First, that the only viable action left is the deliberate killing of non-combatants, not only intelligibly but also as a matter of fact. Second, that this action has the actual effect of creating a situation that is desirable for the overall well being of humanity, again not only intelligibly but as a matter of fact. I think no actor can possibly fulfill these demands. Accordingly, there is no situation where the supreme emergency can be justified, which in itself rules out the possibility for the practical value of this principle

In relation to the retrospective case: To grant a case of supreme emergency rightness, one would have to show that the choice of acting against the moral prohibition was the decisive factor for the creation of a situation that is desirable for the overall well being of humanity, again as a matter of fact and not only intelligibly. Consequently: It is not sufficient

to point at the positive effects that supposedly came out of the act, one must also show that this situation could not have been created by any other and less morally violating means.

What we are left with is the retrospective ‘with hindsight’, where the actual choice of not breaking the moral absolute has created a situation of tremendous despair. Where the choice of violating the non-combatant immunity principle possibly could have had the effect of creating an overall better situation for humanity in total, despite its negative effects on the people it would have affected.

Thus, I admit that what remains of my interpretation of supreme emergency is merely a ‘quasi principle’. If ‘x’ is ‘the deliberate targeting of non-combatants’ and ‘S’ is ‘the present situation’, this can be described accordingly: My interpretation of supreme emergency does not have any practical function, applying to the ‘if I do not do x, then S’-interpretation (the Churchill case). Neither does it have an apologist function, the ‘if I had not done x, then S’-version (the Walzer-version). The sole purpose it serves is for the retrospective regret of omitting to act out of supreme emergency; the ‘if I had only done x, then not S’-interpretation of supreme emergency.

Accordingly, even if there is an analogy between the deliberate bombing of non-combatants and terrorism, I do not think it leaves much room for the possibility of justifying terrorism. The burden of proof that is needed to morally justify the overruling of the non-combatant immunity principle is simply too overwhelming. It claims absolute certainty on behalf of the decision maker. Strong reasons to believe will not be sufficient, which makes it implausible to grant the possibility of justification any value in practical life. My conclusion, then, is that even though I consider the analogy claim to be valid, it does not provide an opening for justifying terrorism, as the deliberate targeting of non-combatants cannot be justified, even in supreme emergency.

3.3.3. State terrorism?

As I mentioned in the beginning of this chapter, there is one question concerning the definition on terrorism that is unanswered; whether the deliberate bombing of non-combatants and the Arendtian interpretation of state terror can be labeled terrorism. Starting with the former, I have already proposed a number of arguments that seek to disallow the analogy between these acts and terrorism, concluding that they were all unsatisfying. If we

compare with my definition, there seems to be no diverging factor in which the two sets of actions differ substantially from each other: It is a deliberate act of severe violence (or a threat of such) against non-combatants; it is done with a political intention; the purpose behind these acts is most often to use the victims as a means to produce a certain psychological effect (generally fear and terror) within the targeted society; the rationale is to generate a certain change of conduct, both within the targeted society and the third party, which is thought to benefit the perpetrators. Thus, being truthful to my own definition, it seems like I have to conclude that deliberate attacks on non-combatants are indeed acts of terrorism.

I am aware that this might seem counter-intuitive. In ordinary language, these acts are commonly described as something else than terrorism, and therefore my definition endangers to be interpreted as being ‘out of step’ with what is commonly understood to be the meaning of the term. If the reader disagrees with me on this matter, I would like to stress that lack of consensus on this matter will not conflict with the ethical argument I have made up to this point. So far, my discussion has only been focusing on examples other than the bombing of non-combatants by state actors. It should also be mentioned that within the philosophical discourse on this subject, there is no agreement on whether the deliberate bombing of non-combatants should be labeled terrorism or not. As mentioned, with the exception of the British area bombing in the early stages of the war, Walzer himself refers to the deliberate targeting of non-combatants as ‘terrorism’ (Walzer 2000: 260). Coady has argued that there is

a certain hypocrisy in much common indignation about terrorism. Those who think that the state terrorism of the World War II saturation bombing raids was justified by some argument of necessity, or other overriding moral considerations, cannot refuse to look at such arguments when mouthed by revolutionaries.

(Coady 2004a, in Primoratz (ed.): 8).

And, as I pointed out in earlier, Primoratz argues that ‘[h]istorically, the state has been the biggest terrorist’ (Primoratz 2004: xx). Therefore, the lack of consensus is not that obvious. Yet, bearing in mind the controversy on this question, I find it necessary to explain why I have chosen not to change my definition in order to leave out these acts.

Suppose I was to exclude the deliberate bombing of non-combatants from my definition, I think that there are two ways of doing it:

The first is to limit the definition only to non-state actors. But, bearing in mind that only 26 % of the definitions Schmid analysed excluded state terrorism (Silke 1996: 22), I would still be at odds with my aim of consensus orientation. Accordingly, I will rule out the possibility of excluding state actors altogether.

The second way of excluding the deliberate bombing of non-combatants is to limit the definition of terrorism only to acts that are performed in peacetime. Schmid seems to endorse this view, and has suggested that terrorism can be designated as '*the peacetime equivalent of war crimes*' (Schmid 2004: 203). In relation to the first option, there are two important benefits with this strategy. It does not exclude acts such as 'the Rainbow Warrior affair' and it does not rule out the possibility of 'the Arendtian form' of state terror, which I will discuss in a short while. Yet, there are also problems connected to this strategy. If we limit our definition of terrorism to acts performed in peacetime only, we would exclude acts that bear all the essential trademarks of terrorism performed in wartime. Consider the following example: On April 16, 2006, the Sunday Times reported that 'Iran has formed battalions of suicide bombers to strike at British and American targets if the nation's nuclear sites are attacked. According to Iranian officials, 40,000 trained suicide bombers are ready for action'⁴⁶. Let us suppose that the ongoing international crisis on the Iranian nuclear programme results in a British and US led missile attack on Iranian nuclear installations. As a consequence of these attacks, the Iranian government declares war. Some of the trained suicide bombers are already living undercover on British and US soil. In the aftermath of the missile attacks, they perpetrate a series of suicide attacks on British and American cities. Would we consider these actions to be something else than terrorism just because they are performed in times of war? I think we would not. Accordingly, if limiting terrorism to acts performed in peacetime, we might still be facing the same problems of being at odds with the common understanding of the concept.

One might argue that these suicide attacks would have a more retaliatory character and are not aiming at creating fear/terror, and therefore should be designated as something else than terrorism. Yet, as I have argued earlier, in lines with Coady's argument (see pp. 41-42) I do not think terrorism only should apply to acts that are performed for the sake of creating fear/terror. Another thing I would like to clarify is that I do not think it makes a difference whether one drops the bomb from high altitude or carries it in a bag or around

⁴⁶ 'Iran suicide bombers "ready to hit Britain"', by Marie Colvin, Michael Smith & Sarah Baxter, *The Sunday Times*, April 16, 2006. (<http://www.timesonline.co.uk/article/0,,2087-2136638,00.html>)

one's waist. The object of the act is the same nonetheless and we certainly cannot have a definition of terrorism that echoes the poem of Roger Woddis:

Throwing a bomb is bad,
Dropping a bomb is good;
Terror, no need to add,
Depends on who's wearing the hood.

(Roger Woddis: 'Ethics for Everyman', quoted in Coady 1985: 47)

The last point I want to make on why I decide to leave out the peacetime emphasis is that in love and war, all is *not* fair. While it is true that states of war and peace contains different rules of conduct, one must also stress that war does not make every act permissible. There are certain rules that have to be followed, not only morally speaking, but also in legal terms. Therefore, one might argue that the difference between wartime and peacetime does not make any difference on this matter. The deliberate targeting of non-combatants is a serious offence, both morally and legally, regardless of whether it is performed in war or in peace.

In sum, even though I consider 'the peacetime emphasis' alternative of why the deliberate targeting of non-combatants in war should fall outside the definition of terrorism to be preferable to the 'non-state actor' alternative, I choose to stick to my proposed definition. Let me return to the case of the British decision to bomb German cities in WWII, and try to give some more depth to why I think these acts should be labeled terrorism.

There is a story of when Sir Arthur Harris, the head of the British Bomber Command, was pulled over by a policeman for speed driving. The policeman pointed out that his reckless driving might have killed someone. Harris answered: 'Young man, I kill thousands of people every night.' (Garrett 2004, in Primoratz (ed.): 156).

In total, the RAF launched about 390,000 sorties against Germany during the war, dropping one million tons of bombs. Area attacks accounted for approximately 70 percent of these sorties, killing some 500,000 German civilians and seriously injuring about 1,000,000 (Garret 2004, in Primoratz (ed.): 142). Only a small minority of the victims were German soldiers (Lackey 2004, in Primoratz (ed.): 130). In 1943, when the American Eight Air Force arrived in England to coordinate the air attacks on Germany with the RAF, the British rejected taking military facilities as targets. In 1945, 'Harris argued ferociously *against* shifting the bombing campaign from German cities to quasi-military targets like oil

refineries' (Lackey 2004, in Primoratz (ed.): 129). According to Lackey; '[n]o document or memorandum can be found that indicates that the British, in their targeting choices, made any effort to minimize civilian casualties' (Lackey 2004, in Primoratz (ed.): 129). 'By the end of 1944, around 80 percent of German urban centers with populations of more than 100,000 had been devastated or seriously damaged' (Garrett 2004, in Primoratz (ed.): 142). In spring 1945, 40 percent of the British bombing was still directed against city targets in Germany (Garrett 2004, in Primoratz (ed.): 142) and 'about 80 percent of all the bomb tonnage dropped on Germany by the Allied air forces came during the last ten months of the war' (Garrett 2004, in Primoratz (ed.): 154). At this stage, the outcome of the war was given. After the dreadful bombing of Dresden on February 13, 1945, claiming some 100,000 lives (the estimates vary from 35,000 to 200,000 (Garrett 2004, in Primoratz (ed.): 145), Churchill wrote the following to the chief of the Air Staff:

It seems to me that the moment has come when the question of bombing of German cities simply for the sake of increasing the terror, *though under other pretexts*, should be reviewed. (...) I feel the need for more precise concentration upon military objectives such as oil and communications behind the immediate battle-zone, *rather than the mere acts of terror and wanton destruction, however impressive.*

(Garrett 2004, in Primoratz (ed.): 145).

It is worth noting that Churchill himself describes the bombing of German cities as 'mere acts of terror', done 'simply for the sake of increasing the terror'.

The American bombing of Japanese cities was equally devastating. In total, about 500,000 Japanese civilians died in these attacks, which endured for nine months, about the same number of civilians that had been killed in the allied air strikes on Germany during the entire war (Lackey 2004, in Primoratz (ed.): 132).

I think I have made my point; the allied bomb campaigns against cities can indeed be considered as acts of terrorism. Bearing in mind Churchill's own words, they were performed 'simply for the sake of increasing the terror'. For my own part, even though I consider the wars against Nazi Germany and Japan to be justified, these acts were grave violations of *jus in bello* principles. Since the just war tradition primarily is linked to non-consequentialist considerations, there really is no need to consider the utilitarian apologies defending these acts. But, even when arguing within a utilitarian point of view, I think it would be hard to argue for their justifiability. Their importance for the outcome of the war remains doubtful, as does the claim of a supreme emergency.

3.3.3.1. Reign of terror

As mentioned, the question of state terrorism is a debated issue in the literature on terrorism. The first controversy is related to whether state actors should be left out of the definition as a matter of principle. I have already discussed this issue, and concluded that state actors can perform terrorism. The second controversy is related to what kind of actions state terrorism refers to. Walzer has suggested that it can take two forms:

There is also state terrorism, commonly used by authoritarian and totalitarian governments against their own people, to spread fear and make political opposition impossible: the Argentine 'disappearances' are a useful example. And, finally, there is war terrorism: the effort to kill civilians in such large numbers that their government is forced to surrender. Hiroshima seems to me the classic case.

(Walzer 2004: 130).

I have clarified that my definition of terrorism will include the deliberate bombings of non-combatants in war, what Walzer refers to as 'war terrorism'. But what about the kind of acts he labels 'state terrorism'?

As I have pointed out before, there are historical reasons in support for including these acts in a definition of terrorism, as 'terror' originally referred to a system or reign of terror. What counts against implementing these acts in a definition of terrorism is that we might be facing the same problem as we did with the deliberate bombing of non-combatants, namely to be at odds with the common understanding of the notion. And again, there seem to be no consensus amongst scholars if these acts should be defined as terrorism, or not.

Laqueur has argued that 'acts of terror carried out by police states and tyrannical governments, in general, have been responsible for a thousand times more misery than all actions of individual terrorism taken together' (Laqueur 1987: 146). Wilkins claims that the hypothetical Jewish terrorists would be 'meeting terrorism with terrorism' (Wilkins 1992: 26), indicating that the Nazis' persecution of the Jews should be defined as terrorism. Following Wilkins' view, I think we also could include other historical examples where there has been systematic prosecution, such as in the Soviet Union under Stalin, the Khmer Rouge in Cambodia, Argentina under the generals, Chile under Pinochet. Yet, others have argued that this would be to push the semantic reference of the notion too far, and that we must not fall for the temptation of labeling every encroachment on human rights performed by state actors as state terrorism. This points at something crucial, namely that there are other notions that are related to terrorism, genocide, persecution of political opposition, torture, etc., where the semantic borderlines are vague. This is not to say that they could not be equally wrong, or

perhaps even worse, in moral terms. My claim is just that we tend to designate acts as something else than terrorism even though they bare many of the hallmarks of terrorist acts. So, is it possible to clarify what acts we are talking about in relation to this type of state terrorism?

This has been, and still remains, a difficult question within the literature on terrorism, and I am not sure whether I can bring any clarity to this issue with my own definition. I do think we can speak of state terrorism in the Arendtian form, even though there are many difficulties in determining when it becomes something else. I grant Walzer right on the Argentine disappearances. Equally, I think we could count in the random killing of death squads and other examples of severe violence where the intention is to create a climate of fear in a segment of own population. But there are many other cases where it is more difficult to take a stand. Was the shooting at demonstrators in Nepal in April 2006 an example of state terrorism, for instance? What about the Israeli's counter-terrorism against the Palestinians? Primoratz has argued that this should be described as terrorism (Primoratz 2004b, in Coady & O'Keefe (eds.): 36). What about the Russian policy against the Chechen? Do they perform state terrorism? These are difficult questions, and I do not consider myself capable of answering them. The definition I have given is not capable of clarifying this subject, and the other definitions I have presented seem to suffer from the same deficiency disease. Therefore, I have to conclude as follows: Can we speak of state terrorism in the Arendtian way? Yes, but we lack the definitional tools to provide a good answer to what it is. We would need to develop another semantic framework that focuses on defining these acts alone. Unfortunately, this task is much too extensive for the limits of this thesis.

3.3.4. Concluding remarks

In this part I have tried to draw an analogy between acts of war that deliberately target non-combatants. I not only found that there was an analogy, but also concluded that these acts merit to be designed as terrorist acts. In the aftermath, the bombing of urban areas during WWII had an important effect on significant developments in international law. Article 51 of the Additional Protocol I of the Geneva Conventions in 1977, says; 'the civilian population as such, as well as individual civilians, shall not be the object of the attack. Acts or threats of violence the purpose of which is to spread terror among the civilian population are

prohibited' (Schindler & Toman (eds.) 1988: 53). It is regrettable, however, that the terror bombing does not only address WWII. According to Lackey, it was also used as a tactic during the Korean War, the Vietnam War, the Gulf War, and against Serbia in 1999 (Lackey 2004, in Primoratz (ed.): 133).

Coady argues that the claim of supreme emergency is 'too elastic' in the sense that 'whenever you are engaged in legitimate self-defence and look like losing you will be able to produce plausible reasons of 'supreme emergency' for attacking the innocent' (Coady 2004d, in Coady & O'Keefe (eds.): 18). In my view, Coady points at something crucial here. If permitting exemptions from the moral absolute of not deliberately attacking non-combatants, we could easily be facing 'slippery slope' problems, causing a misuse of this policy. Therefore, it would be better to make no exceptions on this matter, neither for states nor non-state actors. I have argued accordingly. Even though I think the claim of an analogy is correct, I do not think this grants terrorism justification. Coady claims that some of our moral beliefs are so deeply entrenched in our moral thinking that if we were to reject them, we would create an unbalance and incoherence in the totality of our moral thought. He explains his position by drawing an analogy to Quine's proposal that some of our empirical propositions are so deeply entrenched in our way of thinking, that we cannot imagine what it would be like to give them up. Quoting Coady, 'the prohibition on intentionally killing innocent people functions in our moral thinking as a sort of touchstone of moral and intellectual health. To suspend this, because of necessity or supreme emergency, is to bring about an upheaval in the moral perspective' (Coady 2004d, in Coady & O'Keefe (eds.): 19). I agree. Some moral absolutes make an important demarcation line, a borderline that should never be passed. The deliberate targeting of the innocent is such an absolute. And it should be so both for state and non-state actors.

Therefore, I agree with Coady that there is 'a certain hypocrisy in much common indignation about terrorism' (Coady 2004a, in Primoratz (ed.): 8), if we fail to put the state terrorism performed in wartime on a morally equal footing as the terrorism of non-state actors: 'The Americans were correct to judge that the terrorists who flew those planes on September 11 were avatars of evil. What they have not realized is the degree to which their own policies, since January 1945, are more of the same' (Lackey 2004, in Primoratz (ed.): 137). The question of peace and war does not make a difference on this matter. As I have stated earlier, in war and love all is not fair. There are rules to follow; legally and morally; both for state and non-state actors. We should bear this in mind in the ongoing war on terrorism, which I will focus on in the next and final chapter.

4. Conclusion

It seems to be a widely accepted understanding within the political community that terrorism is both easy to identify and easy to condemn. In this thesis I have tried to challenge both of these claims.

In part two, I showed that there are many controversies related to how we should define terrorism, which suggests that terrorist activity is not always easy to identify. My scope has been the academic arena, focusing mainly on philosophical attempts to define terrorism, but the same problems are also linked to institutional definitions. One might argue that defining and identifying is not necessarily the same thing. Laqueur has suggested that terrorism “resembles pornography, difficult to describe and define, but easy to recognize when one sees it” (Laqueur 1986: 88-89). Yet, I think there is more obscurity to the question of identifying terrorism than Laqueur’s quotation suggests. Sometimes it is easily identifiable; 9/11; the Beslan massacre and the train bombings in Madrid, are some examples. But we should bear in mind that “terrorism” can designate a wide range of actions. When moving to the periphery of the notion, it is not always easy to determine whether a specific act falls inside the reference of the term. Even if we adopt a narrow definition, which categorically excludes the typical borderline cases, such as guerrilla warfare, resistance movements, sabotage missions and political assassinations, there are still problems connected to what acts the definition includes and what acts it leaves out. One example being the attacks on US troops in post-war Iraq. Is it terrorism or armed resistance against an occupying force? Another is the issue of state terrorism in ‘the Arendtian style’, where we lack the definitional tools to clarify what kinds of acts this concept applies to.

In part three I tried to challenge the view that terrorism always should be condemned from three angles: Honderich’s utilitarian argument for justification, the rights-based arguments of Wilkins’ and Held, and lastly, the claim that the analogy between terrorism and certain acts of war makes it inconsistent to consider one to be justifiable but not the other. In my discussion, I pointed at difficulties connected to each of these positions, and I concluded that I did not consider any of them to provide a justification for terrorism. I must admit, however, that my disagreement stems from a basic difference in perspective. Whereas the justification arguments focused on the collective level, I have tended to put more emphasis on the actor-role, understanding morality in relation to the interaction between individuals. As I have mentioned before, I consider both of these levels to be important for an ethical

discussion. But balancing these two levels is a hard task. Often, we seem to focus either on the collective perspective or on the individualistic interpretations of ethics. The key is, I think, to try to grasp the interaction between the two. Both seeing the individual in the community and the community as a creation of individuals. Let me try to clarify what I mean by this in relation to the issue of terrorism.

There are two basic reasons why I think terrorism is unjustifiable. First of all, and most importantly, it violates the basic rights of the victim. The indiscriminate character of a terrorist attack suggests that the justification of these acts is based on collective interpretations of guilt. It is true that every collective entity is composed of individuals. Erase every individual and the collective ceases to exist. Yet, as I see it, individuals do not act as collectives. They act and interact as individuals, from which collective effects are created. Therefore, I disagree that a collective can be considered to be a super-individual, understood as an entity that performs collective acts in terms of being a collective consciousness.

Having said this, I find it important to underline that we share responsibilities – and guilt, if we fail to meet these responsibilities – as collectives. I agree with Honderich that our omission to reduce poverty is a collective disgrace. I agree with Wilkins' and Held that when one group of people systematically deprive another group of people from basic rights, they share a collective guilt in doing so. Yet, this is not to say that it is justified to attack the collective through indiscriminate violence. The punishment is not in harmony with the violation, so to speak, since it does not harm collectively, but individually. This is not to say that terrorism cannot have collective effects. Of course it can, but most people carry on with their lives. A bit shuttered, perhaps, but seldom collectively wounded. For the individuals that have been attacked and the people who are emotionally attached to them, it is another story. Therefore I think acts of terrorism are in disproportion to the harm they seek to punish. On the individual level, it is an overreaction. On the collective level, it will seldom have the effect the perpetrators hope to achieve.

This brings me to the second reason for why I do not think terrorism should be considered justifiable; it most often turns out to be inefficient or counter-productive in achieving the aims of the terrorists. If terrorism indeed is a last resort, which always remains doubtful, this suggests that the society in question would show little sensitivity for the victims of the attack. Other methods, preferably non-violent ones, should be employed. If failing to use these preferable methods, the effect on the attacked community would most often be repulsion and anger, and a strengthened will not to comply with the terrorists' demands.

But even though I do not consider terrorism to be justified, this is not to say that I do not think it creates ethical dilemmas. Dilemmas we should acknowledge and take into account when we are discussing terrorism as a phenomenon, both ethically and politically. Therefore, in these last pages, I would like to switch focus and clarify how I think this ethical discussion has relevance for our political reality. How should we confront terrorism? Based on my discussion, I have ten suggestions:

First, an absolute condemnation of terrorism, allowing no exceptions or exemptions from this principle, does not mean we have to embrace the understanding of “moral clarity” that has been adopted as a key concept in the Bush administration’s “war on terrorism”. Here, the notion is connected to the moral legitimacy of taking action against terrorism by the use of military force. It is perfectly possible to be morally clear on the question of terrorism, meaning that it should always be morally condemned, and still disagree with the policy that terrorism should be confronted by weapons instead of other means.

Second, I do not think terrorism should be interpreted as an ideology, such as “communism” or “liberalism”. Nor is it a psychopathology, such as “sadism”. It is a tactic, adopted to attain some socio-political end (see Goodin 2006: 36). We can have sympathy with the socio-political end in itself, without embracing the methods or means that are being employed to pursue this end. To use an analogy: We might condemn the British bombing of German cities in WWII and still have sympathy for their cause. Even though an act of war can be a violation of *jus in bello*, this does not imply that the *jus ad bellum* arguments for this war are unjust. I think we should reason on terrorism accordingly. Despite the fact that terrorists violate *jus in bello* principles, they might have a just cause. We can condemn one and endorse the other, without being ethically inconsistent.

Third, terrorism should be treated as a criminal act. In order to do this it is important that we strive to create efficient tools within the international community, in addition to the state system of laws. This is conditioned by having a generally accepted definition on terrorism, which can enable us to formulate a framework for confronting this issue within international law. So far the UN member states have not been able to agree on one definition, even though there have been many attempts to reach it. The problem seems to be embedded in the freedom fighter/terrorist-fallacy, which I have discussed earlier. Thus, “[t]he price of reaching such a consensus may be the adoption of a quite narrow definition, but that is a price well worth paying” (Stephen 2004, in Coady and O’Keefe: 2). We already have such frameworks for combating piracy and slave trading, which shows us that the task is not unfeasible. A variety of governments have used the anti-terrorism campaign (war on terror)

to deal with secessionist opposition that use legitimate means under the pretence of combating terrorism. One should be careful not to label insurgents one sympathizes with as ‘freedom fighters’, ‘guerillas’, and the like, while insurgents fighting for a cause that one disagrees with as ‘terrorists’. Whether an act should be labeled terrorism should not depend on its political motivation, but solely on its form.

Fourth, we must break out of the Manichean vision of the world that has echoed the US led war on terrorism ever since President Bush gave his address to a joint Congress and the American people on 20. September 2001 and stated that: “Every nation in every region now has a decision to make. Either you are with us or you are with the terrorists”⁴⁷. Are we in a conflict between good and evil? I think not. We must recognize that terrorism is a complex phenomenon. Terrorists commit acts that are morally blameworthy and that should be legally punished, but there might be both just and unjust reasons for committing these acts.

Fifth, if choosing to confront terrorism by acts of war, it is crucial that we make efforts to comply with *jus ad bellum* and *jus in bello* principles. In relation to the war in Iraq, there are at least four aspects that suggest that this war was not just:

- Was there a just cause for the attack? As regime change in itself cannot be said to justify the attack, and no weapons of mass destruction have been found, it is hard to make this case.
- Was it a last resort? Bearing in mind the diplomatic crises in the forefront of the attack, and the Iraqi government’s willingness to cooperate with the international community, it seems obvious that it was not.
- Did the war have a reasonable prospect of being successful? Before that war, many claimed that the US plans for post-war Iraq lacked realism. Four years later, Iraqi society is on the brink of civil war.
- Was it a proportional use of violence? The alleged reasons for attacking Iraq was weapons of mass destruction, but they were never found. According to “Iraq body count”, the present figures for Iraqi casualties are between 35,000 and 39,000 casualties⁴⁸. Over 2,400 US troops have died (May 2006)⁴⁹

Sixth, we need to acknowledge that the “war on terrorism” cannot be won. In his speech to Congress, on 20. September 2001, President Bush stated: “Our war on terror begins

⁴⁷ <http://www.whitehouse.gov/news/releases/2001/09/20010920-8.html>

⁴⁸ <http://www.iraqbodycount.net/>

⁴⁹ <http://icasualties.org/oif/>

with Al Qaeda, but it does not end there. It will not end until every terrorist group of global reach has been found, stopped and defeated’⁵⁰. Is there any realism in this? Can one win a war on terrorism? Who may declare that such a war has been won and that “terrorism” has been defeated? How can we defeat something that can be perpetrated by a small group of people without ending in an “Orwellian horror-scenario”, a situation of permanent emergency – threatening the basic values of our society. Bearing in mind a point I made earlier, terrorism is not an ideology. It is a tactic. It is not something that erupted on 11. September 2001. It has been a part of our political system for hundreds of years. Can we defeat terrorism? I think not. Neither do the authors of the US 9/11 Commission Report:

We do not believe it is possible to defeat all terrorist attacks against Americans, every time and everywhere. A president should tell the American people, ‘No president can promise that a catastrophic attack like that of 9/11 will not happen again. History has shown that even the most vigilant and expert agencies cannot always prevent determined, suicidal attackers from reaching a target.

(US 9/11 Commission Report 2004: 365)

Seventh, we should be careful that counter-terrorism measures does not mean the end of human rights (Luban 2003, in Gehring (ed): 60). In a CNN poll in 2001, 45 percent of the respondents said that they would favour the use of torture if it could provide information about terrorism (Welch 2003: 9). These are alarming figures. The recent reports of prison abuses in the Abu Ghraib prison in Iraq and Guantanamo Bay reveal a worrying tendency of human rights violations. In total, over 10,000 people have been detained without trial in Afghanistan, Iraq and at Guantanamo Bay base (Rogers 2006: 4). The authorizing of military tribunals for suspected terrorists, signed by President Bush on 13 November 2001, have implied violations of the Geneva Conventions (Rothe & Muzzatti 2004: 342). We have to decide whether we should regard terrorism as acts of war, subject to the rules of war, or acts of crime, subject to the rule of law. The hybrid solution of the present US administration⁵¹ is not satisfactory.

Eighth, governments should strive to find other means to confront terrorism than counter-violence. Responding to terrorism with military measures has often turned out

⁵⁰ <http://www.whitehouse.gov/news/releases/2001/09/20010920-8.html>

⁵¹ “In line with the war model, they lack the usual rights of criminal suspects – the presumption of innocence, the right to a hearing to determine guilt, the opportunity to prove that the authorities have grabbed the wrong man. But, in line with the law model, they are considered *unlawful* combatants. Because they are not uniformed forces, they lack the rights of prisoners of war and are liable to criminal punishment. Initially, the American government declared that the Guantanamo Bay prisoners have no rights under the Geneva Conventions.” (Luban 2003, in Gehring (ed): 53).

counter-productive. As Lloyd Dumas has pointed out, Israel has for long responded to terrorism with military retaliation, yet “there exists today more terrorism directed against Israel than ever before (...) Israelis live in fear and Palestinians live in misery’ (Dumas 2003, in Gehring (ed.): 73). The “eye for an eye’ policy has proven itself insufficient: “Indeed, terrorists will welcome counter-terrorism; it makes the terrorists’ excuses more plausible and is sure to bring them, however many people are killed or wounded, however many are terrorized, the small number of recruits needed to sustain the terrorist activities.’ (Walzer 1988, in Luper-Foy (ed.): 243)

Ninth, most terrorism has a specific aim: To create fear. We should be careful not to overreact and end up in social hysteria. Statistically, terrorism remains a marginal phenomenon. In the US in 2001, fifteen times more people died in a motor vehicle accidents than in the 9/11 attacks (Goodin 2006: 116). Yet, we are constantly reminded that we are facing a grave and imminent danger. Quoting a passage from a speech President Bush gave 2. August 2004: “We are a nation in danger. We’re doing everything we can in our power to confront the danger’⁵². One thing concerns the spending: The US Department of Homeland Security has a budget of \$34.2 billion for 2006, most of it consumed by the war on terror (Goodin 2006: 152), money that could have been used on social security programmes and other important social spending. Another concerns the surveillance policies that have been implemented in the aftermath of the attacks. The USA Patriot Act (the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act) of 2001, have been widely criticized for violating basic civil rights. The same goes for other countries. Consider this ad from The UK, local Neighbourhood Watch: ‘The police cannot defeat terrorism alone, communities defeat terrorism! If you see any suspicious activity: Call the free confidential hotline on 0800 789 321 or contact your local police station.’ (Goodin 2006: 153). Would we want a society where neighbours report ‘any suspicious activity’? I think not, quoting Goodin: ‘We must be careful, in the War on Terrorism, not to create a terrorist state.’ (Goodin 2006: 175).

Tenth, what to do? I think Goodin points at one part of the solution: ‘Sometimes “doing nothing” is the optimal response (...) Terrorism might well be just such a case. If it is attention that evil people are seeking through desperate deeds, then ignoring them might indeed be the best way of making them go away’ (Goodin 2006: 160). Yet this is not sufficient. We need to create some kind of dialogue, some way to seek solutions, and the

⁵² <http://www.whitehouse.gov/news/releases/2004/08/20040802-2.html>

only way to do that is to lend an ear of the opposing party's arguments. Should we negotiate with terrorists? Not always, but sometimes. We cannot settle with the 'you cannot negotiate with terrorists' fallacy, which is not a solution to the problem we are trying to solve. Again, I think we must differentiate between the act on the one hand and the cause on the other. Some forms of terrorism are worse than others, just as some wars are worse than other wars. Some acts of terrorism are more justified than others, just as some wars are more justified than other wars. One example we have discussed earlier is the ANC's struggle against the Apartheid regime in South Africa. We have to grant terrorists the right of having a just cause, without being accused of 'going soft' on them, and we might condemn their actions but understand their cause. As the French say; *comprendre ce n'est pas de pardonner* – to understand is not to forgive.

Summing up, terrorism poses intriguing questions, both morally and politically. Complicated problems most often condition complicated solutions. We need to grant these questions their complicity and avoid the simplistic understanding of this issue – both in ethical discourse and political life. The issue at question is more complex than the 'us-them/evil-good/never negotiate with terrorist' view suggests. If we fail to recognize this, we will hardly be able to solve the problem we are facing.

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